

SHANNON NAVIGATION ACT, 1874.

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RETURN to an Order of the Honourable The House of Commons,  
dated 23 March 1875;—for,

COPY "of the SHORTHAND WRITER'S NOTES of the EVIDENCE given before  
the COMMISSIONERS OF PUBLIC WORKS in *Ireland*, at the recent  
INQUIRIES held at *Athlone*, *Banagher*, *Portumna*, and *Killaloe*, under the  
provisions of the SHANNON NAVIGATION ACT, 1874."

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Office of Public Works, Dublin, }  
7 May 1875.

E. HORNSBY,  
Secretary.

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(The O'Conor Done.)

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*Ordered, by The House of Commons, to be Printed,*  
13 May 1875.

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COPY of the SHORTHAND WRITER'S NOTES of the EVIDENCE given before the COMMISSIONERS OF PUBLIC WORKS in Ireland, at the recent INQUIRIES held at Athlone, Bougher, Portumna, and Killaloe, under the provisions of the SHANNON NAVIGATION ACT, 1874.

### BOARD OF PUBLIC WORKS.

THE SHANNON ACT, 1874 (37 & 38 Vict. cap. 60).

REPORT OF INQUIRY held by the Commissioners of Public Works in Ireland, into the Survey and Valuation of the Lands contemplated to be relieved from Inundation by the Works proposed to be executed under the above-mentioned Act, viz.:—

At Athlone, on Tuesday, 2nd March 1875.

At Bougher, on Thursday, 4th March 1875.

At Portumna, on Saturday, 6th March 1875.

At Killaloe, on Tuesday, 9th March 1875.

And adjourned meeting at Athlone, on Friday, 19th March 1875.

### ATHLONE INQUIRY.

REPORT of INQUIRY held at Athlone, on Tuesday the 2nd of March 1875.

Athlone Inquiry.

PURSUANT to public notice, the Commissioners of Public Works in Ireland held an inquiry, commencing at Athlone, on Tuesday, 2nd March 1875, for the purpose of investigating the objections which had been lodged to the survey and valuation of the lands contemplated to be relieved from flooding by the works proposed to be executed under the Shannon Act, 1874 (37 & 38 Vict. c. 60), and the amounts assessed on the said lands respectively under the said Act.

The Commissioners, Colonel J. G. Mc'Kerlie, M.R., C.E.; and W. R. Le Fanu, Esq., C.E., with E. Hornsby, Esq., Secretary, sat at the Court House, Athlone, on the day above mentioned. There were also present Mr. James S. Penny, C.E., Valuator, Board of Works Office; Mr. James Lynam, C.E. (who, with Mr. Brasington, had made the valuation of the lands proposed to be improved on which the schedule is based); Mr. Merrick, Local Engineer, and a number of landed proprietors and other persons interested in the subject of inquiry.

Colonel Mc'Kerlie.] Gentlemen, you are probably aware that we attend here to-day, as the Commissioners of Public Works in Ireland, for the purpose of inquiring into the objections which have been lodged to the survey and valuation of the lands contemplated to be relieved from flooding by the works proposed to be executed under the Shannon Act of last Session. The object of calling for these objections, as pointed out by the 6th and 7th sections of the Act, is to enable us to make such corrections as may be necessary in the valuation schedule, with the view of taking the further proceeding of inviting the assent of the proprietors to the general measure. The scope of these objections must necessarily be restricted, at the present stage of the proceedings, to the extent of the lands which are set down as capable of improvement, the amount of increased value which may be conferred on any particular land by the proposed works, and the relative sum assessed thereon with reference to other lands similarly situated. These are the points to which we must confine our attention at the present inquiry. I may mention that the valuation and survey were made some time ago with very great care. The survey by very competent persons; the valuation by Mr. Lynam, C.E., on behalf of the proprietors, and by Mr. Brasington on behalf of the Government. I understand that they made their valuations independently of each other, and whenever they did not quite agree they conferred together and adjusted their difference, so that we may assume the valuation to be a very reliable one at the time, at all events, at which it was made.

Athlone Inquiry.

Although the scope of the inquiry is limited in the way I have mentioned, we shall, at the same time, be quite prepared, as far as in our power, to give any information upon the general question that any of the persons interested may desire. There is one point as to which I should make an observation. Under the Act of Parliament there is a specific sum put down which the proprietors are to contribute in return for the benefit to be conferred on their lands by the proposed works; it therefore necessarily follows that if any alteration is made in the schedule, either as regards the extent of any particular lands or the charge proposed to be put upon them, any reduction which may follow must necessarily be assessed on the other proprietors, so that it is their interest to see that any alteration is duly and justly made, and it is their duty to look to their own interest in that respect. We shall now proceed to hear the objections.

*Mr. T. W. Fair* (Solicitor, Athlone.)] May I ask you, sir, in what order you will hear the objections? Will you take them according as the parties are ready, or in the order in which the names appear in the schedule?

*Colonel M'Keville.*] You will see by the printed notice that the scope of our inquiry at Athlone is in respect of the lands situated in the poor law unions of Roscommon, Longford, Ballymahon, and Athlone. We shall hear the objections which have been lodged in respect of lands situated in those unions, and we propose to take them alphabetically.

*Mr. Fitzgerald.*] Are we to understand that, supposing one proprietor objects to the amount of his assessment, and if, having substantiated his objections before you, you reduce his assessment accordingly, will the amount of such reduction be added to the assessment on the other proprietors?

*Colonel M'Keville.*] Certainly. It is for that reason, I say, that it is the interest of each proprietor to see that fair and proper amounts are assessed on the other proprietors whose lands are proposed to be benefited.

*Mr. Fair.*] I was going to observe, in reference to that, that it would be wholly impossible for any proprietor to effectuate such an object as that. He should first go and view all the lands between this and Limerick, for he should be in a position to satisfy you that while his own lands were over-valued, the lands of other proprietors were valued too little. It is not to be expected that any gentleman would undertake so onerous a task; and, even if he were willing to do so, it would be practically impossible. What I am prepared to argue is, that the proposed assessment is excessive, inasmuch as no benefit at all commensurate with it will be conferred on the proprietors. I appear on behalf of Lord Castlemaine, Sir Arthur Magennis, Mr. William Courtton, Mr. William T. Potts, Mr. William C. Kylo, and a number of other gentlemen, all of whom are of opinion that the assessment is far beyond the value of any improvement that their lands could possibly derive from the contemplated works; and I fear the opposition on the part of the proprietors will be so strong that the result must be that the measure will be rejected. It is no doubt much to be regretted that a great public work like this should be abandoned, but it is better that the Shannon should remain undrained than that the pockets of the proprietors should be drained by the operation of the proposed assessment. Now I appear, amongst others, for Mr. William T. Potts, and, as he is present, I may state to you the nature of the objections which he makes to the proposed assessment. His first objection is that he cannot ascertain, from the documents lodged for public inspection, to what level the proposed works, if carried out, would keep the ordinary summer water, and the maximum summer and winter floods, similar to the high winter and summer floods of 1860 and 1861, below the level of his lowest meadows, and without this information he cannot say whether his property would be injuriously or beneficially affected. We have no guarantee whatever, nor can we ascertain to what extent the water will be reduced. In the second place Mr. Potts objects to the enormously high charge (235*L* per annum) proposed to be assessed on his property. He objects to that as being excessive. His third objection is, that certain lands are referred in the schedule as owned by him which are not his property, while, on the other hand, certain other lands, of which he is the owner, are set down in the schedule as belonging to other parties; I presume, however, that any mistake in the schedule may be set right in that respect, and there can be no difficulty about that.

In the fourth place, Mr. Potts is desirous to know on what principle the proposed drainage charge would be apportioned between landlord and tenant. That appears to be a material fact to ascertain, because, according to the Act of Parliament, you must arrive at the conclusion, before you can assess the tenants, that they have derived a benefit commensurate with their assessment. Now, suppose the tenants derive no benefit, in that case the entire burden must fall on the landlord. Mr. Potts' assessment, according to the schedule, would amount to 8,350*L*. He would have to pay that sum for the improvement of his property, and he is of opinion that that would be about equal to the full fee-simple value of the lands benefited. Another question arises: Mr. Potts objects to the removal of the hedge over the river Suck and the eddies adjoining same. Should such removal be necessary, I believe you have no power under the Act to give Mr. Potts compensation for any injury you might do to his property by reason of the proposed works. However, this last is a matter of trifling importance; it might, I have no doubt, be easily arranged. If these different matters are explained, and the necessary deductions in the drainage charge and corrections made to our satisfaction, it would not be our desire to oppose the carrying out of a great public measure, provided we can assent to it with safety to ourselves.

Mr.

*Mr. Madden* (agent to Mr. *Harter*.) I think it would be a matter of some consequence to many persons to know the extent to which the contemplated works will lower the waters of the Shannon. Will the winter floods be done away with?

*Colonel M'Kerlie.*] The instructions given to Mr. Bateman, whose plans have been adopted as the basis of the measure, were: "That works shall be designed which shall embrace all that is necessary throughout each separate reach or level of the river, extending from the point called 'Wormal's End,' at the lower end, to 'Lough Allen,' at the upper, to secure the lands adjacent to it against the injurious effects of ordinary winter floods; and which works, it is considered, will also fully provide against all extraordinary summer floods, such as occurred in 1861." These were the instructions given to Mr. Bateman, and in the plans which he has prepared he has carried them out. We have a diagram showing the extent to which the waters will be lowered in the different reaches. (To Mr. *Fair*.) Perhaps, Mr. *Penny*, you had better read out the facts from it.

*Mr. Penny.*] The August flood of 1861 rose 2 feet 11 inches above the low-water navigation level in Lough Ree. By the plans of Mr. Bateman he proposes that the flood shall not rise more than 1 foot above that level, which is 1 foot 10½ inches below that of the August flood of 1861.

*Mr. Fair.*] Is there any guarantee for that, save and except the engineering skill of Mr. Bateman?

*Colonel M'Kerlie.*] I may mention that should the expected results not be obtained, it will be open to any proprietor who may feel aggrieved to put forward his objections at the time of the final award, when the facts will be duly and carefully inquired into.

*Mr. Fair.*] Of course, gentlemen, you are acting here in your public capacity, desirous, to the best of your skill and knowledge, to do what is right, in order to effectuate a great public measure. Still, we must remember that if the Act is once assented to, the proprietors will be bound by your decision; they have no remedy, for the Act provides no appeal, and there is no power to traverse your award. Therefore it will be their duty to see, before they give their assent, that they will, at all events, have a reasonable guarantee that their property will be improved.

*Colonel M'Kerlie.*] You have the guarantee of the scientific skill of the most eminent hydraulic engineer in England.

*Mr. Madden.*] With regard to the lands near Banagher, will the proposed works do away with the winter floods?

*Mr. Penny.*] The proposed flood level at Banagher will be 3 feet under the August flood of 1861, and 1 foot 6 inches above the present low-water level.

*Mr. Pidgeon.*] One foot and a-half above the present low-water level?

*Mr. Penny.*] Yes; in the next reach the August flood of 1861 was 8 feet 11 inches above the present low-water level, and the proposed flood level will be only 4 feet 7 inches.

*Mr. Le Fèvre.*] About half of what it was in August 1861.

*Mr. Pidgeon.*] How far does that reach extend south of Athlone?

*Mr. Penny.*] To Shannon Bridge. Below Shannon Bridge the height of the August flood of 1861 was 8 feet 4 inches above the present low-water level. It will be restricted to 2 feet 6 inches after the proposed works.

*Mr. Pidgeon.*] That is the most important reach of the river.

*Mr. Penny.*] And at Banagher the August flood of 1861 was 4 feet 6 inches above the low-water level. It will be restricted to 1 foot 6 inches.

*Mr. Pidgeon.*] It is very satisfactory to know this; for, from that statement, it appears that in that reach of the river the contemplated improvement will not only benefit the lands adjoining the river, but, to a great extent, inland at both sides, which at present cannot be drained in consequence of not having a fall.

*Mr. Fair.*] There is a very general feeling that if the Commissioners had extended the area of taxation it would have been more just and legitimate than it is at present. I apprehend, however, that it would be impossible to do it now, and that the scheme must stand or fall by the survey which appears in the printed schedule. But if the Commissioners had thrown the expense over a larger area, it would have been more fair and equitable upon all parties, because, by draining and lowering the waters of the Shannon, the lands adjoining the Suck and other tributaries will be considerably benefited; whereas those lands, according to the present scheme, are not to be charged with any portion of the expenses of the work. If the area of assessment were more extended, it would not be so heavy upon the riparian proprietors of the Shannon. I wish to know could any alteration be now made, or is it too late to do so?

*Colonel M'Kerlie.*] We have no power to make any alteration such as you suggest. Although there is a considerable amount of truth in what you have stated as to the benefit which those lands will derive from the proposed works, we cannot make any alteration for the purpose of charging those lands with a portion of the cost. I may mention that with regard to the drainage of the Suck, that will be taken up hereafter as a separate district, and it will have enough to do to bear its own expenses. In fact, it would not bear anything more.

*Mr. Fair.*] I did not allude to the Suck more than any other tributary, the lands adjoining which will be benefited by the works. In fact, I suppose the master will come to this: that we ~~want~~ either assent or dissent to the scheme on the basis of the present assessment, because it would be wholly impossible to give you evidence as to relative values. To suppose that any gentleman could travel through the country and get up

Athlone Inquiry. evidence for the purpose of showing that his own lands were charged too much, while the property of Lord This or That was charged too little, would be entirely out of the question.

Colonel *McKernie.*] That may be to a very great extent true; still it is right that it should be understood by the proprietors that it must not be expected that if the assessment on any particular person's property is reduced, the sum total of the assessment will be reduced. It must be remembered that the aggregate of the assessment remains a fixed sum, which we have no power to alter.

Mr. *Fair.*] Quite so, sir. You have explained that perfectly clearly, and you have apprised that fixed sum amongst the proprietors as fairly as you could.

Colonel *McKernie.*] Yes, as fairly as a carefully made valuation and survey enabled us to do.

Mr. *Pidgeon.*] There is a question I wish to ask. In the event of your considering the objections which have been lodged, and reducing the assessment upon certain proprietors, will the other proprietors, those who have not objected, being satisfied with the present assessment, and not deeming it exorbitant, think that the improvement which will be derived from the contemplated works will be an equivalent for the proposed reduction; will the assessment upon those proprietors be increased in consequence of the reduction in the assessment of the proprietors who have lodged objections; and if so, will they then have any power to object to such increase? That is, I think, a very important matter.

Colonel *McKernie.*] It must be remembered that the present inquiry is preliminary to seeking the assent of the proprietors to the proposed works. It will then be for each proprietor to consider the amount proposed to be charged on his own lands, and to assent or dissent, as may appear to him to be right; but he will have no power to seek to have his assessment reduced. There will be no opportunity given (at least the Act gives none, I think) for our entertaining any further objections after the present inquiry. When this inquiry has concluded, and the assessment is ascertained in such particulars as in our judgment may appear necessary, the entire amount required, being spread over the whole body of proprietors, the amended schedule will then be laid before them, and on that they will be called on to express their opinions. There will be no opportunity then given of making any objection. They must merely assent or dissent.

Mr. *Pidgeon.*] That is very important. I represent several proprietors, some of the largest near this town, and between this and Shannon Bridge. On their behalf I am satisfied with the present assessment. I am not among the objectors, but if it were increased from any cause I cannot say whether I would object or not. At present I am satisfied, and am very desirous that the work should go on; but if it should happen that in consequence of the reduced assessment of others, the Commissioners were necessarily obliged to increase the assessment of the gentlemen whom I represent, of course I might then have to object to the scheme.

Colonel *McKernie.*] At the present stage of our inquiry we can scarcely give you any definite information on the subject, but the probability is that any corrections which it may be proper to make in the schedule will be so small as to have an altogether inappreciable effect in increasing the assessment on the general body of proprietors. I think that is what we may fairly infer, as, from the great care which was taken in making the survey and valuations, it is improbable that there will be any material alteration.

Mr. *Le Fanu.*] In fact, any alteration which may have to be made will be spread over so large an area as to be quite insuperable.

Mr. *Fair.*] I think, sir, that under the 8th Section of the Act, you have power to adjourn this inquiry from time to time if you think proper. Of course it should only be a reasonable adjournment, for the proprietors, I am sure, would not wish to impose any unnecessary trouble upon you. You may not be able to dispose of all the objections within the time you have given yourselves by your printed notice, and I may have, at a later period of the day, to apply to you to adjourn the hearing of the objections of some of the gentlemen for whom I appear, and who are unable to be present to-day; and if you do adjourn the inquiry Mr. *Pidgeon* might raise that question before you have finally settled the valuation.

Colonel *McKernie.*] Yes. We shall now proceed with the objections.

Mr. *Le Fanu.*] The first objection is Lord Crofton.

Mr. *Fair.*] I do not appear for him.

Mr. *Pray* read the following objection, which had been lodged on behalf of Lord Crofton:—

"I hereby object, on the part of Lord Crofton, to the quantity, as stated in schedule lodged, of the land drained, the annual valuation, and the proposed rent-charge."

"Dated at Bessborough this 29th day of January 1875.

"To the Secretary,  
"Board of Public Works."

("For Lord Crofton.)  
(signed) "R. H. Hobson."

Colonel *McKernie.*] Does anyone appear to support the objection of Lord Crofton? [No reply.] Then we must proceed to the next objection, Mr. J. R. Fawcett.

Mr.

Mr. Penny read Mr. Fawcett's objection as follows:—

Athlone Inquiry.

"Shannon Improvement, County of Roscommon, Townlands of Fearagh, Cloonagh  
" (part of), and Cloneskeagh, the Property of J. R. Fawcett."

"Gentlemen,

"Upon looking over the Shannon Valuation Schedule issued by your Board, I find that the above lands are inserted therein with an annual charge against me therefor of £1. 13s. 9d. I am sure their insertion in said schedule must have been an oversight, as under an award made by your Board in the year 1856, in the Hind River drainage case, I am at present, and have been since that period, paying £1. 17s. 11d. a year for those very lands, together with an annual charge of 5s. or 6s. for the maintenance of the Hind works, making altogether about £1. 2s. a year. I can hardly suppose that it is now proposed to charge me on the double for those lands, first under the Hind drainage, and then under the Shannon Improvements. There may perhaps be a few acres of almost valueless shore and waste near the mouth of the Hind River, which was not included in the Hind award, and which may now be proposed to be taken in; but the greater part, at all events, of the lands now proposed to be taken in are, as I said before, charged under the Hind award. This, therefore, as you may perceive, is a very exceptional and peculiar case of hardship, mixed up as it is with the Hind drainage; and considering the now admitted inadequate value given for the charge imposed upon my lands in that award, and the very unfinished state in which the mouth of the Hind River was left by the Drainage Commissioners, and is still in, I cannot bring myself to believe that my name has not been inserted for charge in the Shannon Improvement Schedule by mistake. However, as it is there, I suppose I must object thereto; but I would much rather put the case to your Board simply as a matter of justice and fair play, and respectfully ask you, under the very peculiar circumstances connected therewith, to order that my name shall be removed altogether from the schedule of charge for the Shannon Improvement.

"To the Commissioners of Public Works."

"I am, &c.  
(signed) "J. R. Fawcett."

Colonel M'Kerlie.] Does anyone appear for Mr. Fawcett? [No answer.]  
Mr. Fair.] I have no instructions to appear for him.

Mr. Lyons, c.c.] Mr. Fawcett wrote me a letter asking me to mention the matter. I examined the map of his property since I received his letter. The survey in the schedule is quite correct as regards the quantity of land injured by the Shannon floods, and the valuation is quite correct. I do not think I can go beyond that, although I would be anxious to oblige Mr. Fawcett as far as I possibly could.

Colonel M'Kerlie.] In your opinion is the quantity of land stated in the schedule as capable of improvement by the reduction of the level of Lough Ree correct?

Mr. Lyons.] It is.

Colonel M'Kerlie.] And the valuation, is that correct?

Mr. Lyons.] It is correct, in my opinion.

Colonel M'Kerlie.] And the assessment, is it relatively fair and right, compared with the amount charged on other lands?

Mr. Lyons.] I am of opinion that it is.

Colonel M'Kerlie.] We cannot go beyond that.

Mr. Lyons.] I fear not.

Colonel M'Kerlie.] Proceed to the next objection.

Mr. Penny read the following:—

#### "SHANNON DRAINAGE."

"Sir,

Kiltanevan, Roscommon, 29 December 1874.

"I FIND by the Valuation Schedule, lodged with the clerk of the Roscommon Union, that it is proposed to charge two portions of land, both marked 40 on the map, with the yearly sum of £1. 14s. and £1. 16s. 8d. respectively; that upon which the lesser sum is to be charged is part of the townland of Darriertark, and belongs to me; the other is part of Cloonagh, and belongs chiefly to Mr. Andrew McCutcheon, but partly to me. It is not specified in the schedule what proportions of the sum of £1. 16s. 8d. are to be charged on Mr. McCutcheon's property and mine respectively; neither does he or I know the nature of the proposed works, or in what way the land will be affected by them. I therefore beg, on his part as well as on my own, to object to so much of the schedule as I have referred to, both as to the amount proposed to be charged, and the land proposed to be made chargeable. I do this, not for the purpose of obstruction, but that Mr. McCutcheon and I may be entitled to appear before the court of inquiry at Athlone next March. Fuller information will probably cause us to withdraw our objection.

"The Secretary,

"Board of Public Works, Dublin."

"I am, &c.

(signed) "Thos. A. Mapother."

Colonel M'Kerlie.] Does anyone appear for Mr. Mapother? [No reply.]

Mr. Fair.] I have no instructions to appear for him.

Colonel M'Kerlie.] Mr. Lyons, were you able to separate the quantity held by Mr. Mapother from that held by Mr. McCutcheon?

Athlone Inquiry.

Mr. Lyons.] No, sir; I have no information from which to do it.

Mr. Le Fanu.] The names are bracketed together in the schedule.

Mr. Lyons.] They were given to us as joint owners at the time we made the valuation. They may have since made a partition.

Mr. Fair.] I may remark that although it is not the fault of the Commissioners, for I understand from Mr. Harnby that the days for holding this inquiry were fixed so long ago as last December, still this is an unfortunate time at which to hold the inquiry, inasmuch as the juries are going on; the grand jury meets to-day in Roscommon, so that it was impossible for Lord Clifden to attend here to-day. The Mullingar assizes are also going on, and you will have the Tallamore assizes on the very day you are to meet at Banagher.

Colonel M'Kerlie.] That is unfortunate, but it cannot be helped now.

Mr. Fair.] It is no fault of the Commissioners.

Colonel M'Kerlie.] Proceed with the next objection.

Mr. Peasey read the following:—

"I hereby object on the part of J. C. Strange, Esq., to the area as stated in the schedule lodged of land drained, the annual value and the proposed rent-charge."

"The Secretary, Board of Works."

(signed) "R. H. Holmes."

Colonel M'Kerlie.] Does anyone appear to support Mr. Strange's objection? [No reply].

Mr. Peasey said the next objection was that of Mrs. Anne Caulfield.

Mr. Potts.] I am instructed by Mr. Potts that there is an error in the schedule in page 22, the townland of Corrassabeg (part of) is set down as the property of Anne Caulfield. Mr. Potts is the owner in fee of those lands, and Mrs. Caulfield holds them as tenant under lease. This case would therefore come under Mr. Potts' objections. One of the grounds of Mr. Potts' objections is, that he is charged, in some cases, for property which does not belong to him, and that in other cases lands belonging to him are returned in the schedule as belonging to other parties.

Colonel M'Kerlie.] This is one of the latter cases.

Mr. Fair.] Yes, sir.

Colonel M'Kerlie.] Mr. Peasey will make the necessary alteration in the schedule with respect to the ownership of the lands; and as to the amount of the assessment, I presume you will deal with it when we come to inquire into the other objections lodged by Mr. Potts.

Mr. Fair.] Yes.

Mr. Peasey.] The next objection is that of the Honourable H. Caulfield. Does anyone represent him? [No answer].

Mr. Fair.] There is another mistake which perhaps we might as well correct. I am concerned for, amongst other gentlemen, Mr. William C. Kyle. In page 22 of the schedule, Creggas (part of) is put down to Mr. J. Kelly. It is Mr. Kyle's property, and Mr. Kelly is his tenant.

Colonel M'Kerlie requested Mr. Peasey to take a note of these corrections.

Mr. Peasey.] The next objection is that of Mr. Robert Adamson. We have finished the objections in the poor law union of Roscommon. There are no objections in the unions of Longford and Ballymason; and the first objection in the union of Athlone is that of Mr. Adamson.

#### "SHANNON ACT, 1874."

"I object on behalf of Robert Adamson, Esq., of Lisgriff House, Roscommon, to the carrying out of the proposed Shannon works on the following grounds:—1st. Because the documents lodged for public inspection do not show to what level the proposed works, if carried out, would keep the ordinary summer water and the maximum summer and winter floods, similar to the high winter and summer floods of 1860 and 1861, below the level of his lowest land, and, without this information, he cannot say whether his property would be injuriously or beneficially affected.

"2nd. He also objects to the proposed drainage charge as being excessive, in proportion to any benefit he may derive.

"3rd. That he is assessed in the valuation schedule for a larger quantity of land than he occupies.

"Should these different matters be explained and corrected, and the necessary reductions in the drainage charge made, he might then be disposed to withdraw his objections to the work.

"Dated this 29th January 1875.

(signed) "James W. Fair,  
" Solicitor for said Robert Adamson,

"The Commissioners of Public Works,  
Custom House, Dublin."

3, Palace-street, Dublin, and Athlone.

Mr.

*Mr. Fair.*] I appear on behalf of Mr. Adamson, who, in consequence of the notice, is unable to be present to-day himself. The objection which he has lodged to the schedule raises a question of very great importance, namely, whether the proprietors of the land which is proposed to be improved by these works, will receive sufficient value for the amount of the contemplated assessment. I think I shall be able to prove to you by incontrovertible evidence, by the testimony of several proprietors of land along the banks of the Shannon, and also by the testimony of their tenantry, that the assessment is unreasonable and excessive in every point of view; that they will not at all derive the benefit anticipated from the drainage, and that even if they did derive benefit, that benefit will not be commensurate with the assessment which it is proposed to place on them. Some of them, I am instructed, will not derive any benefit at all. They argue on these grounds: they say the land has been always accustomed to the natural irrigation from the overflow of the Shannon waters, during the winter months, and that if deprived of that irrigation, instead of being a benefit to the land, it will be the reverse. The land, in fact, is manured and fertilised by the floods in winter. When the floods are abundant, the crop is good and vice-versa, and if the effect of the proposed works will be to remove those floods, the lands will be depreciated, instead of benefited. Of course I will deal with each case separately, as it comes before you, but this will be the general scope of the evidence, which I shall submit to you to-day. I will ask you to reserve the case of Mr. Adamson for a future day, when I will have him here.

*Mr. Lyons.*] When the valuation was made this property was set down to Mr. Grehan, and it appears in the schedule.

*Mr. Fair.*] Since that time Mr. Adamson has purchased Mr. Grehan's estate.

*Mr. Peasey* made the requisite correction as to ownership in the schedule.

*Colonel M'Kerlie.*] I understand, Mr. Fair, you wish this case to be adjourned.

*Mr. Fair.*] Yes, Sir. Mr. Adamson is unable to be here to-day, in consequence of the absence.

The Commissioners having consulted—

*Colonel M'Kerlie,* said: We will adjourn it for the present. We will arrange hereafter as to when we will hear it, and any other cases that may have to be adjourned.

*Mr. Peasey* said Lord Castlemaine's was the next objection.

" Sir,

" Creaghduff, Athlone, 23 January 1875.

" I have to express Lord Castlemaine's dissent from the valuation of certain townlands on his property, under the Shannon Act of last year. I enclose a list of them, and would observe that there are other townlands in which he has an interest, so I wish to express his dissent from all.

" The Secretary

" I have, &c.  
(signed) " C. Hancock.

" of Commissioners of Public Works."

" List enclosed, County Westmeath, Athlone Union, Carton, Killenmore, Kippstown, Cappawall, Toongh, three islands opposite Friars Island, Creaghduff south, Tullah, Gaerwells, Golden Island, (St. George) Carrickshreen (part of)."

*Mr. Peasey.*] There is also a second objection lodged by the Hon. Mr. Hancock, on behalf of Lord Castlemaine, which I will read.

#### " SHANNON ACT, 1874.

" Sir,

" Creaghduff, Athlone, 5 February 1875.

" Ballykeeran is Lord Castlemaine's property. Mr. Thomas Seale's representative is his tenant. It should have been included in the objections.

" Two other townlands, Bunnaribb and Kilnamangb, in the county of Roscommon, and Athlone Union, are held by him under a fee-farm grant, and the representative of Thomas Lloyd is his tenant, under a lease in which there is only one life in existence.

" The fee of these two townlands is vested in the Incorporated Society.

" I have, &c.

(signed) " C. Hancock.

" The Secretary,

" Board of Works Office, Dublin."

*Mr. Fair.*] I appear on behalf of Lord Castlemaine; but this is a case that of all others I would ask you to adjourn, as I do not like to undertake the responsibility of arguing it in the absence of the Honourable Charles Hancock, who is at Mullingar to-day as foreman of the grand jury, and requested me to ask you to have the case adjourned to such future day as you may think convenient. Another observation. Mr. Hancock begged of me to make to you was this, that if the adjournment could be made to about a month hence, he would in the interval have an opportunity of inspecting the lands, and getting a survey made of them, which up to the present he could not do in consequence of the floods; the lands are covered with water. The latter end of March or April would be a more convenient time, as the floods would be lower, and the proprietors would be able to inspect the lands.

Athlone Inquiry.

The Commissioners having consulted—

Colonel M'Kerlie said: We have considered the application you have made, and we find the engagements of the department are such that we could not postpone the meeting to the time you refer to.

Mr. Fair.] I would be sorry to put the Commissioners to any inconvenience.

Mr. Le Fanu.] We find that the only days that are available are the 19th and 20th of this month.

Colonel M'Kerlie.] We have meetings coming on in a great number of districts, so that those are the only days open to us.

Mr. Fair.] Very well, sir. Then I would ask you to adjourn those cases until the 19th instant.

Colonel M'Kerlie.] Yes.

Mr. Fair.] On behalf of the gentlemen whom I represent, I thank you very much for your courtesy in granting us the adjournment.

Mr. James Kelly (Johnstown).] Gentlemen, I have a case which I would also ask you to adjourn to any day that may be convenient to you, in order that we may have an opportunity of having the lands examined. Any day about a fortnight hence would do.

Mr. Le Fanu.] What is the date of Mr. Kelly's objection?

Mr. Penny.] The 29th of January.

Colonel M'Kerlie.] If we are to adjourn all the cases, it would be almost impossible for us to hear them through in one day, more especially as the cases which we have already postponed, in consequence of the absence of the parties interested, are very heavy cases, and I think there is no probability, at least, very little indeed, of the water being so altered in its level by the time you mention as to make any material difference.

Mr. Kelly.] The difficulty with me is that the assizes of Roscommon are going on, and some of my witnesses are at Roscommon at present.

Mr. Le Fanu.] Are you obliged to go to Roscommon?

Mr. Kelly.] I am, sir.

Mr. Le Fanu.] Then we will postpone your case also to the 19th.

Mr. Kelly thanked the Commissioners for postponing the case.

Mr. Fair.] Won't you give us two days at Athlone, gentlemen; the 19th and 20th?

Colonel M'Kerlie.] No; I think in all probability we shall have to adjourn some of the Banagher cases until the 20th.

Mr. Fair.] That is a matter I was about to make an application with respect to. I am interested, on behalf of some proprietors whose cases are set down for hearing at Banagher, and I intended to ask you, if you could do it without inconvenience, to hear them here instead of at Banagher.

Colonel M'Kerlie.] We will adjourn the Athlone cases to the 19th, and the Banagher cases to the 20th.

Mr. Penny said the next objection was that of Captain Coote.

"I hereby object, on the part of Captain John C. Coote, to the quantity, as stated in the schedule lodged, of land drained, the annual value, and the proposed rentcharge.

"Dated at Roscommon, this 29th day of January 1875.

"The Secretary, Board of Works."

"(For John C. Coote),  
(signed) R. H. Holmes.

"Ordnance Sheet, 29, Townland of Clonhruske, Barony of Brinway, County of Westmeath."

Mr. Fair.] I do not appear for Captain Coote.

Colonel M'Kerlie.] Does any one appear in support of Captain Coote's objection?—[There was no reply.]

Mr. Fair.] There are one or two cases to which I would respectfully ask your attention, gentlemen, in which written objections have not been sent in. One of them is the case of the Rev. Robert Campbell, page 40 in the schedule. I would ask you to let that case stand over for evidence until you come here on the 19th instant. It will be a short case, and won't occupy any time. There is also the case of Captain Eastoe, in the same page, and of Mr. Russell, also short cases.

Mr. Le Fanu.] The Reverend Robert Campbell has not sent in any notice of objection.

Mr. Fair.] No, sir; in fact I was not instructed in the case until it was too late to do so. But I was given to understand that you would not shut out anyone in consequence of not sending in a written objection. Under the Act of Parliament it does not appear to be mandatory or compulsory to send in an objection.

The Commissioners having consulted—

Colonel M'Kerlie said: It would be attended with great inconvenience if, at this stage of the proceedings, after every opportunity was given to parties to send in objections; not alone would it entail serious trouble and inconvenience to the department, but also it really would not be quite right that, after having given ample time for sending in objections, and the fullest possible notice having been given, we were to permit parties to put in objections now.

Mr. Fair.] Of course, sir, I am not going to press the matter, if it is contrary to your rules.

Colonel

Colonel M'Kerlie.] It would make the inquiry endless. When we come down on the 19th, some person might as well ask us to hear an objection from him, and to adjourn our meeting again for the purpose of hearing his case.

Mr. Fair.] I presume you I won't ask for any further adjournment for any client of mine. The only thing I would ask you to do will be to leave it an open question. Your object, of course, is to get the assent of as many proprietors as you can to the proposed work; and I fear if you sent out parties from having their cases heard they will refuse to attend.

Mr. Le Poer.] Our duty is to carry out the Act of Parliament. Section 7 of the Act directs that "the Commissioners shall, as soon as may be after the passing of this Act, cause the valuation to be printed, and a copy to be deposited in their office and another copy thereof to be deposited with the clerk of every union wherein the lands to be charged, or any part thereof, are situate; and such clerk is hereby authorised and required to receive the same, and all persons shall have liberty to inspect the same on payment of sixpence; and when such copy has been so deposited, the Commissioners shall cause notice thereof to be inscribed in some one or more newspapers circulating in the district in the vicinity whereof the lands are situate; and the Commissioners shall, by the same or a separate notice, require all persons who may desire to object to the said valuation in respect of the description of the lands charged or of the sum charged thereon, to lodge such objections at such place and before such time as is specified in such notice; and the Commissioners shall also in the said notice state that they will proceed to hear any such objection which may be made, and finally settle the valuation at such time and place as may be specified in such notice." That section distinctly requires all persons who require to object "to lodge such objections at such place and before such time as is specified in such notice," and it might lead to serious inconvenience, and moreover it would be a bad precedent if we were to allow parties to put in objections now after the time had elapsed.

Colonel M'Kerlie.] I quite concur in the view which Mr. Le Poer has expressed.

Mr. Fair.] I have nothing to urge of course, gentlemen, if that be your opinion. I admit that the parties were to some extent guilty of negligence in not having sent in objections within the time specified in the notice.

Mr. Le Poer.] If all that was sought was merely to make a correction of a name, or to correct a boundary which was wrong in the schedule, of course it would be a different matter; but an objection that would require us to go into evidence, and to bear witness, I don't think we ought to allow.

Mr. Fair.] Very well, gentlemen, I will not press the matter on you any further.

Mr. Penny.] The next objection in the list is that of Mr. Fair.

#### "THE SHANNON ACT, 1874.

"I, James William Fair, Solicitor, of Athlone, in the county of Westmeath, object to the carrying out of the proposed Shannon Works on the following grounds:—

"1st. Because the documents lodged for public inspection do not show to what level the proposed works, if carried out, would keep the ordinary summer water, and the maximum summer and winter floods similar to the high winter and summer floods of 1860 and 1861, below the lowest level of my land, and without such information I cannot say whether my property will be injuriously or beneficially affected."

"2. I also object to the proposed drainage charge as being excessive in proportion to any benefit I may derive."

"3. That I am also assessed in the valuation schedule for a larger quantity of land than I occupy."

"Should these different matters be explained and corrected, and the necessary reductions in the drainage charge made, I might then be disposed to withdraw my objection to the work."

"Dated this 29th January 1875.

(signed) "James W. Fair.

"The Commissioners of "3, Palace-street, Dublin, and Athlone.  
"Public Works, Custom House, Dublin."

Mr. Fair.] The objection which has been read is in reference to an assessment upon some property of mine at Rinnagan, which is in my own occupation, mentioned in page 24 of the schedule. The item is a small one, only 4*l.* 1*l.* 10*d.* a year, but on principle I object to it on the grounds which I have stated; those grounds are that the benefit I would derive from the drainage would not be equal to the assessment, which amounts to 4*s.* 6*d.* per Irish acre per annum; that is the tax which would be put upon this land, which is a mere bit of bog. It would be impossible that the improvement could at all increase the value to that extent.

Mr. Le Poer.] What is the nature of the land?

Mr. Fair.] It is a mere piece of cut away bog. I consider 2*s.* 6*d.* an acre would be quite as much as any improvement to be made in it would amount to. It is a small matter, and I don't want to oppose the work on account of it, but really I think 2*s.* 6*d.* an acre would be the outside value of the improvement.

Colonel M'Kerlie.] How much per acre do you say the present assessment amounts to?

206.

Mr.

Athlone Inquiry.

[*Mr. Fair.*] Four and sixpence per Irish acre. It contains 30 acres statute, which is about 20 acres Irish, and the assessment being 4*l*. 11*s*. 10*d*., would be equal to rather more than 4*s*. 6*d*. per acre annually. I consider 2*s*. 6*d*. per acre, or 2*s*. would be the outside value of the improvement.

[*Colonel M'Kerlie.*] We have no power to reduce the amount upon any one plot of land, or say one proprietor, without putting it upon others; besides, I apprehend that it is very probable that the same objection which you make with regard to your own land would apply to a great many others.

[*Mr. Fair.*] It would, sir; the same objection applies to numerous cases; that the proposed assessment is in excess of the benefit to be derived.

[*Colonel M'Kerlie.*] Just so. Therefore we do not think that it is in our power to make any alteration merely on the ground you have stated. In fact it rests with yourselves whether the work is to be carried out or not. You can give us such evidence as you please upon the subject, but it rests with yourself, I apprehend, to assent or dissent to the carrying out of the works, as you think right.

[*Mr. Le Fane.*] It is to be remembered, that in the schedule which has been lodged, we do not state that you are benefited to the extent of the assessment, or that you are benefited at all. The extent to which you are benefited is not stated in the schedule. What is set down is the proportion of the maximum charge of 150,000*l.* which you will have to pay relatively to the other proprietors, and the only evidence it would be legitimate to give would be that you were relatively overcharged. We do not say you are benefited; what we say is, that unless you are relatively overcharged in proportion to others, the sum set down in the schedule is the proportion of the 150,000*l.* you will be called upon to pay.

[*Mr. Fair.*] I understand, sir. Then I decline to offer you any evidence upon this matter; it is so small an item, it is not worth while to do so, but I will raise the question in other cases, and ask you to hear evidence upon it, so that it may appear upon your minutes. This case of mine is so small a matter that it is not worth while troubling you with any evidence upon it.

[*Mr. Le Fane.*] At the same time, you will understand that we do not wish to shut out any evidence. We merely make these observations for your own guidance as to the kind of evidence that it would be best for you to bring forward.

[*Mr. Fair.*] Quite so, sir. But, as I said in the early portion of these proceedings, it would be impossible for us to go through the entire district of country which is traversed by the Shannon, and compare each person's land with the others.

[*Colonel M'Kerlie.*] We don't object to hear your evidence; quite the contrary. We only tell you what the result must be.

[*Mr. Fair.*] Would you have my objection to leave this case open for me until the next day you sit here, and I will consider whether it may be worth my while to offer you *pro forma* some evidence upon it.

[*Colonel M'Kerlie.*] If you could go into it to-day, it would be better.

[*Mr. Fair.*] Very well, sir; then I will ask you to pass it by. The only evidence I have is my own, which I am willing to tender you; but it is just to the effect I have already told you.

[*Mr. Le Fane.*] That is, that you would be only benefited to the extent of 2*s*. 6*d*. per acre instead of 4*s*. 6*d*.

[*Mr. Fair.*] Yes, sir; and as, of course, that has been already taken down, I need not repeat it.

[*Mr. Peasey.*] The next case is that of the Hon. King Harman.

#### "SILANNO ACT, 1874."

\* Schedule Page 42, Ordnance Maps 22 and 25, Townland of Ballaghkeera Little, Barony of Kilkenney West.

"Sir,

In the valuation schedule, *re* above, you give the Hon. L. King Harman as proprietor. I beg leave to inform you that he has nothing whatever to say to the property, having sold it to his tenant, Mrs. Anne Stuhls, in the year 1854.

"E. Hornby, Esq."

"I am, &c.  
(signed) "A. Bost."

[*Mr. Fair.*] I am aware of the fact stated in that objection, Mrs. Stuhls having been formerly a client of mine, and I am aware that the Hon. King Harman sold her his interest. The property now belongs to a Colonel Biggs.

[*Colonel M'Kerlie.*] Do you represent the Hon. King Harman?

[*Mr. Fair.*] No, sir; but I am aware of these matters of my own knowledge. I am not instructed in the case at all; but I mention the fact for your information.

[*Colonel M'Kerlie.*] Can any person give us any sworn evidence on the point?

[*Mr. Fair.*] I decline to give sworn evidence in a case in which I am not instructed. I merely make the statement for the information of the Commissioners.

[*Colonel M'Kerlie.*] Have you any doubt of the accuracy of what you have stated?

[*Mr. Fair.*] Not the slightest. The property has become vested in Colonel Biggs, who has let the land to Captain Molier.

Mo.

Mr. Penny.] Can you give me the Christian names and addresses of the gentlemen you have mentioned?

Mr. Fair.] Yes. Colonel Thomas Biggs, of Great Denmark-street, Dublin, and Captain Moller, of Rosanna, Athlone. Captain Moller is the tenant of Colonel Biggs, paying £0*1*. a year rent, having given him a fine.

Mr. Penny.] The next objection is that of Captain Harris.

Mr. Fair.] I appear for him. I don't know whether he served a notice or not. He did not instruct me to serve any.

Colonel M'Kerlie.] Yes; he has sent in an objection.

Mr. Le Fanu.] It appears to be a small matter: only nine acres of land. Have you any evidence for him?

Mr. Fair.] No, sir. This is also one of the cases in which Mr. Hancock is agent.

Colonel M'Kerlie.] Is Captain Harris on the grand jury?

Mr. Fair.] No, sir; but Mr. Hancock, who sent in the notice of objection, is.

Mr. Penny read the objection.

"Sir,

"23 January 1875.

"I beg to enter my protest against the proposed taxation on my land for the improvement of the Shannon drainage, viz., the townlands of Bunson, in the barony of Kilkenny West, County Westmeath, formerly the property of the late A. D. Chignacan, Esq.

"I have, &c.

"The Secretary, Commissioners of  
Public Works, Dublin."

(signed) "A. E. Harris.

Mr. Fair.] Would you kindly allow that case to remain over, and I will have Captain Harris here next day? Of course, having sent in an objection, he is in order.

Colonel M'Kerlie.] Yes.

Mr. Penny.] The next case is that of Mr. Cramer Homan, page 42 of the schedule.

Mr. Thomas Hynes.] I appear, gentlemen, in this case. I am the agent of Mr. Homan, and am also tenant of the lands of Ankers' bower.

Mr. Penny read the objection as follows:—

"Sir,

"Athlone, 29 January 1875.

"As agent to Michael Thunder and Cramer Homan, Esqrs., I have to express their dissent from the valuation of their properties under the Shannon Act of last year.

"Yours, &c.

"The Secretary, Commissioners of  
Public Works, Dublin."

(signed) "Thomas Hynes.

"Townlands, Golden Island, and Ankers' Bower."

Mr. Hynes.] I am tenant of Mr. Homan for the lands of Ankers' Bower, and also his agent. Michael MacNamara is also a tenant. It is a joint holding. My objection to the assessment is, that it is perhaps only once in 20 years that the flood comes to come in upon those lands; in fact, the Shannon does us no harm whatever, and that if you assess lands nearer to the Shannon, and which, from being at a lower level, are more subject to inundation, you ought not to charge our lands in the same proportion; it is not fair towards either the landlords or the tenants; the assessment should be lower.

Mr. Le Fanu.] How much do you think would be a fair assessment?

Mr. Hynes.] Well, I think it ought to be much lower than what is set down.

Mr. Le Fanu.] How many acres of Ankers' Bower are included in the schedule?

Mr. Penny.] Sixteen acres 3 rods 30 perches. That would be about 10 acres Irish.

Mr. Le Fanu.] Do you admit that quantity to be correct?

Mr. Hynes.] I am not instructed to admit anything. I am instructed the assessment is too high.

Colonel M'Kerlie.] The annual charge on those 16 acres 3 rods 30 perches, is £1. 17*s*. 9*d*. Do you consider that too high?

Mr. Hynes.] I do.

Mr. Le Fanu.] Do you consider it too high in itself, or too high in proportion to the charge upon other lands?

Mr. Hynes.] I consider it too high in proportion, considering that the flood seldom or never comes upon those lands; not more than about once in 20 years.

Colonel M'Kerlie.] Is it subject to floods in summer?

Mr. Hynes.] No, sir; the water never covers them in summer at all, nor in one winter out of every 20.

Colonel M'Kerlie.] Do you think the lands would be improved at all by the proposed works?

Mr. Hynes.] No, sir; I do not think the lands would be improved at all.

Colonel M'Kerlie.] Not at all?

Mr. Hynes.] No.

Colonel M'Kerlie.] Then you would put no charge whatever upon it?

Mr. Hynes.] Well, scarcely anything, except a very small trifle.

Colonel M'Kerlie.] You don't know how much the trifle would be?

Athlone Inquiry.

[Mr. Hynes.] Well, I do not know, indeed.

[Mr. Le Poer.] How much an acre?

[Mr. Hynes.] Oh, about a couple of shillings would be fair.

[Mr. Le Poer.] Upon 16 acres 3 rods?

[Mr. Hynes.] Yes, I would not object to that.

Colonel M'Kerric.] That would be about half, or not quite half, of the amount stated in the schedule. Have you any further evidence than your own in support of your objection?

[Mr. Hynes.] No, sir.

Colonel M'Kerric requested Mr. Lyman, c.e., to be sworn, for the purpose of being examined in reference to the lands in question.

Mr. LYMAN was accordingly sworn.

Colonel M'Kerric.] Did you examine these lands?—Mr. Lyman. I did, sir. I examined the land in the year 1867, and I walked close by it to-day, but I did not go in on it. It is true, as Mr. Hynes says, that it is not liable to inundation, except in very high floods.

Colonel M'Kerric.] Is it liable to summer floods?—Mr. Lyman. No, sir; only to winter floods.

Colonel M'Kerric.] Did you and Mr. Brassington agree in the valuation you put upon it?—Mr. Lyman. We did, sir, ultimately, after discussion.

Colonel M'Kerric.] Is it, in your opinion, relatively higher charged than the other lands?—Mr. Lyman. No, sir. I think it relatively charged. Its being so close to town is a matter in favour of it, as, of course, any improvement effected in it would be more valuable than if it were at a distance from the town. It is quite close to the town of Athlone.

Mr. Le Poer.] Is any portion of it saturated?—Mr. Lyman. In winter it is saturated.

Mr. Hynes.] How long does the flood continue on it; can you form an opinion?—Mr. Lyman. I believe that it does not remain on it. I believe some years may pass, and have passed, without any water flowing over the surface of the land. As to the exact time which the water would continue to cover it in very high floods, I am not prepared to say, but we could, of course, find the number of days from the registry.

Mr. Hynes.] Look at the townland of Loughanenning upon the map?—Mr. Lyman. Yes, I see it.

Mr. Hynes.] Have you ever seen the floods upon that?—Mr. Lyman. I have not.

Mr. Hynes.] I have, then?—Mr. Lyman. Although I have not seen it, I am aware, from the survey and levels that have been made, that a portion of Loughanenning is liable to be flooded. It is similarly circumstanced, exactly.

Mr. Le Poer.] Is it marked on the map as flooded or saturated land?—Mr. Lyman. It is, sir. It is marked as partly liable to flooding, and part to saturation.

Colonel M'Kerric.] Is Loughanenning assessed?—Mr. Lyman. It is. Mr. James Sprout is assessed for it in page 44 of the Schedule.

Mr. Fair.] He is assessed at £1. 10s. 1d. a year. There are not so many acres in Loughanenning as in Ankersbower?—Mr. Lyman. There are pretty nearly equal charges made upon Loughanenning and Ankersbower; nearly the same acreable charge.

Mr. Hynes.] What proportion, in point of value, does the land bear close to the Shannon?—

Colonel M'Kerric.] Nearly 17 acres of your land are set down as being subject to flood, while of Loughanenning, Mr. Sprout's property, only  $6\frac{1}{2}$  acres are put down, and the charge on those  $6\frac{1}{2}$  acres is £1. 10s. per annum, almost exactly the same sum per acre as is charged on yours.

Mr. Hynes.] That is quite right, but I want to know what proportion the land near the Shannon bears; take Golden Island, for instance?—Mr. Lyman. Very well; take Golden Island. It is flooded by ordinary harvest floods.

Mr. Hynes.] How is it assessed?—

Colonel M'Kerric.] There are 40 acres of Golden Island set down as liable to injury from the waters of the Shannon, and the assessment is £2. 1s. 10d.

Mr. Le Poer.] And there is another bit of Golden Island set down to a different proprietor, containing five acres, and £1. 4s. charged on it.

Mr. Hynes.] That is what I want to call attention to; that it bears about the same proportion per acre as the charge put upon my lands, although it is flooded 15 times for the once Ankersbower is. Golden Island is flooded every winter; Ankersbower only once in every 15 or 20 years, yet you only assess it at the same rate.

Mr. Le Poer.] Is that so, Mr. Lyman?—Mr. Lyman. There are two Golden Islands.

Mr. Le Poer.] Are they differently circumstanced?—Mr. Lyman. Yes, sir. The Golden

Golden Island next to Ankershower is circumstanced nearly the same as Ankershower, and only liable to be flooded with high floods. There is another Golden Island, between that and the river, which is liable to be flooded more frequently than the other.

Mr. Hyres.] It is the relative assessment I am speaking of?—Mr. Lyons. I want to know which Golden Island you refer to.

Mr. Hyres.] Golden Island, No. 4; it is close to the river?—Mr. Lyons. In that there are 40 acres, and it is charged 12/-, so that it has a higher relative charge put on it than the charge on your land.

Mr. Lyons.] That is not what I am speaking of; it is the small one.

Colonel M'Kerlie.] Very well; there are five acres of that put down as flooded, and the assessment is 11/- per acre, that is 5/- per acre, or close upon it.

Mr. Hyres.] And so is the charge on mine, sir.

Colonel M'Kerlie.] No, that is only 4s. 6d.

Mr. Hyres.] There is very little difference.

Colonel M'Kerlie.] Not much difference, but there is some.

Mr. Hyres.] The charge is very nearly the same as the charge on Ankershower, while that land is flooded fully 15 times for the once that Ankershower is flooded!—Mr. Lyons. This is only a small portion of the other; it is on the verge most distant from the river, and nearest the high land.

Mr. Hyres.] The land I speak of runs into the Shannon?—Mr. Lyons. I have not got it so marked on the map.

Mr. Hyres.] Then there must be some mistake?—Mr. Lyons. Possibly we may not have the correct boundaries. As I have it here, it is the most distant part of the Shannon; leaving a small bit or strip of land between it and the Shannon.

Mr. Hyres.] No, Golden Island runs down to the edge of the Shannon.

Colonel M'Kerlie.] There may be some error in the boundaries, but, with regard to the charge made on Ankershower, are you able to say, from the survey and the valuation which you made, whether it is correct or not?—Mr. Lyons. Yes, sir. I considered the matter with great care, having regard to all the circumstances which could possibly affect the lands, and I have seen nothing to alter the opinion which Mr. Brassington and I deliberately formed at the time.

Colonel M'Kerlie.] Then, in your opinion, it would be only necessary to correct the boundaries?—Mr. Lyons. I think so. If necessary, I can go down there this evening and correct them.

Colonel M'Kerlie.] We think it would be well if you would take an opportunity of looking at the lands again, and correcting the boundaries?—Mr. Lyons. I will do so this evening.

Mr. Penny.] The next objection is that of Lord Kilmaine.

"Sir,

"28 January 1875.

"As agent to Lord Kilmaine, I have to express his dissent from the valuation of his property under the Shannon Act of last year.

"The Secretary, Board of Public Works.

"I have, &c.  
(signed) "C. Huxley."

"Townlands alluded to, County Westmeath; Athlone, Golden Island (Kilmaine)."

Colonel M'Kerlie.] Mr. Fair, do you appear for Lord Kilmaine?

Mr. Fair.] I do, sir.

Colonel M'Kerlie.] Do you wish it to be adjourned?

Mr. Fair.] Yes, sir, if you please. [Adjourned.]

Mr. Penny.] The next case is that of Mr. Longworth.

"Shannon Act, 1874.

"I object, on behalf of John Longworth, Esq., of Glyndard, in the County of Westmeath, to the carrying out of the proposed Shannon work, on the following grounds:

"1. Because the documents lodged for public inspection do not show to what level the proposed works, if carried out, would keep the ordinary summer water, and the maximum summer and winter floods, similar to the high winter and summer floods of 1860 and 1861, below the level of his lowest land, and without this information he cannot say whether his property would be injuriously or beneficially affected.

"2. He also objects to the proposed drainage charge as being excessive, in proportion to any benefit he may derive.

"3. That he is also assessed in the Valuation Schedule for a larger quantity than he occupies.

Athlone Inquiry.

"Should these different matters be explained, and the necessary reductions in the drainage charge made, he may then be disposed to withdraw his objections to the work."

"Dated this 29th January 1875.

"*J. W. Fair,*

"Solicitor for the said John Longworth,

"3, Palace-street, Dublin, and Athlone."

"The Commissioners of Public Works,

"Custom House, Dublin."

*Mr. Fair.*] I am not prepared in that case either. I would ask you to kindly allow it to stand over.

*Mr. Fair.*] Will Mr. Longworth be here?

*Mr. Fair.*] Yes, sir.

*Mr. Hayes.*] I wish to mention that there is an error in the Schedule, in page 42, in Lawrence Kelly's holding. The quantity of land is over estimated.

*Colonel M'Keele.*] Where any alterations in the names of proprietors are to be made, it would be well to have the corrections made before our next meeting.

*Mr. Hayes.*] In page 42, Lawrence Kelly is set down as holding part of the townland of Athlone, portion of the property of Lord Kilshane, containing four acres three roods. There is not much over an acre in it.

*Mr. Lyons* said he would inquire into the matter.

*Mr. Penny.*] The next objection is that of Mr. Potts.

*Mr. Fair.*] The greater portion of Mr. Potts's property is in the Baanagher district, but he is anxious, with your permission, to have all the cases heard here. It would be more convenient to his tenants, and, perhaps, equally so to you. I would ask you to allow his cases to stand, and, if possible, have them all heard together; not to go into them piecemeal to-day. He would prefer, subject to your approval, that all his cases should be heard when you next meet here, and that he should not be at the trouble of taking his witnesses to Baanagher.

*Colonel M'Keele.*] We are ready to meet your wishes in regard to the adjournment, but we would wish that if there are any corrections to be made in the Schedule, as regards ownership, that they should be made now.

*Mr. Fair.*] Certainly, sir.

*Mr. Penny.*] The first mention of Mr. Potts is in page 11 of the Schedule; is that correct?

*Mr. Fair.*] Yes, except in the names of the occupiers. Martin Shine is set down as tenant of a portion of the lands.

*Mr. Potts.*] I hold Shine's portion myself, and there is another tenant, John Coylehan.

*Mr. Penny.*] Yes, I know the man.

*Mr. Penny* corrected the Schedule accordingly. The next place is at page 30. John N. Potts and Thomas M. Potts are set down as the owners.

*Mr. Fair.*] That should be altered to Wm. T. Potts.

*Mr. Penny.*] Are the tenants of Callowbeg correctly named in the Schedule?

*Mr. Potts.*] I don't know what tenants are on it now, they have been changed so often. There are a number of tenants on it; Thomas Egan, and others.

*Colonel M'Keele.*] It is not of so much consequence as regards the tenants.

*Mr. Penny.*] The names of the tenants are right in the case of Callowbeg, Thomas Egan, jun., and others. The next townland is Cramnagh; is that correctly mentioned in the Schedule?

*Mr. Fair.*] Yes.

*Mr. Penny.*] The next is Athlone and Big Meadow, proprietor Thomas M. Potts.

*Mr. Fair.*] That should be Wm. T. Potts.

*Mr. Penny.*] The next is Correenbeg; is that correct?

*Mr. Potts.*] It is.

*Mr. Penny.*] The next is Correen; is that rightly given?

*Mr. Potts.*] Yes.

*Mr. Penny.*] The next is Craggen?

*Mr. Potts.*] The owner of that should be put down as Wm. C. Kyle. I hold part of that townland by lease, but it is Mr. Kyle's property.

*Mr. Fair.*] What lease of it have you?

*Mr. Potts.*] A 21 years' lease.

*Mr. Penny.*] The next is Culhagh Beg?

*Mr. Potts.*] That is correct.

*Mr. Penny.*] The next is Culhaghmore?

*Mr. Potts.*] Correct.

*Mr. Penny.*] The next is Doovege?

*Mr. Potts.*] Correct.

*Mr. Penny.*] The next is Long Island; is that correct?

*Mr. Potts.*] Yes.

*Mr. Penny.*] Lash Island; is that correct?

*Mr. Potts.*] Yes.

*Mr. Penny.*] Then comes Raghna Beg; is that correctly given?

Mr.

Mr. Fair.] Yes, sir.

Mr. Penny.] That is all.

Mr. Fair.] Mr. Potts owns some other lands which are not set down to him.

Colonel M'Kerlie.] What other property do you own, Mr. Potts, that is not put down to you?

Mr. Potts.] Part of Cronnagh is mine.

Mr. Penny.] Cronnagh is set down as yours; look at page 30.

Mr. Fair.] Yes, that is all right. I think that completes the entries of Mr. Potts' property; and, with your permission, we will meet you, gentlemen, on the 20th instant.

Colonel M'Kerlie.] On the 10th, if you please.

Mr. Fair.] Very well, sir, we shall meet you here on the 10th. [Mr. Potts then withdraws.]

Mr. Penny.] The next objection is that of Mr. Smyth.

Mr. Fair.] I don't appear for him.

Mr. Penny reads the objection.

"Shannon Drainage, Portlisk Castle, Athlone,

"29 January 1875.

"I beg to give you notice that I object to the valuation of the lands proposed to be improved by the drainage of the Shannon river, said lands being situated in the town-lands of Whinning and Portlisk, in the parish of Bunowen, and County of Westmeath.

"The Secretary,

(signed) "Robert R. Smyth."

"Office of Public Works, Dublin."

Colonel M'Kerlie.] Does anyone appear for Mr. Smyth? [No answer.]

Mr. Fair.] I don't appear for him, but I am aware he has no interest in the property now. It has been sold to Messrs. Murtagh Brothers, and they are now the owners of it.

Mr. Le Fanu.] We will have that corrected.

Mr. Penny.] The next is the Hon. W. Temple.

"Sir,

"28 January 1875.

"As agent of the Hon. R. T. H. Temple, I have to express his dissent from the valuation of his property under the Shannon Act of last year,

"I have, &c.

"C. Handcock."

"Townlands on the estate of the Hon. R. T. H. Temple, in the County Westmeath; Athlone Poor Law Union, Ballinlough, Island opposite Ballinlough; Killinure North; Garvagh Island, Killinure South; Portaneen, Island opposite Portaneen."

Mr. Fair.] In this case Mr. Handcock is agent for Mr. Temple, and I must ask you to adjourn it.

Colonel M'Kerlie.] We will adjourn it till the 10th.

Mr. Penny.] The next objection is that of Mr. Michael Thunder.

"Sir,

"Athlone, 29 January 1875.

"As agent to Michael Thunder and Cenner Hynes, Esqrs., I have to express their dissent from the valuation of their properties under the Shannon Act of last year.

"Yours, &c.

(signed) "Thomas Hynes."

"The Secretary,

"Commissioners of Public Works, Dublin."

"Townlands: Golden Island and Ankershower."

Mr. Hynes.] I appear for Mr. Thunder. My objection is to the valuation; that it is too high.

Mr. Le Fanu.] Do you object to the relative valuation, or only that it is too high?

Mr. Hynes.] That it is too high. It is 12/- 4s. 10d. a year.

Mr. Le Fanu.] We don't profess that to be the valuation at all. That is only what is charged on the relative assessment.

Mr. Hynes.] Well, sir, I object to it.

Mr. Le Fanu.] Do you mean that it is relatively too high?

Mr. Hynes.] The assessment is 12/- 4s. 10d. a year on 40 acres of land; that is about 6s. an acre; I suppose if other lands in close proximity to it are assessed in the same proportion I cannot object.

Colonel M'Kerlie.] You are not able to say that it is not so?

Mr. Hynes.] Well, sir, I have not studied the matter at present, but if you will allow it to stand over until I come here again, I will have my mind made up on the subject.

Colonel M'Kerlie.] I think not; you are here now, and the question is simply one of relativity, which you are not able to speak to. Mr. Lyons will look into the matter as regards the boundaries and make them right.

Mr. Lyons.] Yes, sir.

Athlone Inquiry.

Mr. Penny.] There was one objection which was passed over, Mr. Mansell's; I had better read it.

"Sir,

"I beg to give you notice that I object to the valuation of the lands in my occupation proposed to be improved by the drainage of the River Shannon, situated in the townland of Killinure South, and Ballinlough, in the parish of Bunnore, barony of Kilkenny West, and County of Waterford.

"Shannon Improvement, Killinure Gilson,  
Athlone, 25 January 1875.

"The Secretary,  
Office of Public Works, Dublin."

"I am, &c.  
(signed) "J. W. Mansell."

Mr. Mansell.] I appear in support of that objection.

Colonel M'Kerris.] The name in the schedule, page 42, is Edward Mansell.

Mr. Mansell.] He was my father; John William Mansell is my name, and I am now the owner.

Colonel M'Kerris.] Upon what ground do you object to the valuation?

Mr. Mansell.] In the first place it would appear that the same place is charged twice over, only that in our case I am set down as the owner, while, in the other, the owner is stated to be Mr. Robert Smyth. If you look at the schedule you will see, "Island opposite Ballinlough, acre 1 rood 23 perches, assessed 6 s. 6 d. yearly"; and lower down in the page you will see the same thing again, "Island opposite Ballinlough," and the very same figures put after it. These two places are both the same; there is only one island opposite Ballinlough, and the measurements are the same.

Colonel M'Kerris.] Are you quite certain about that?

Mr. Mansell.] I am; there is only one island answering that description.

Mr. Lyons.] Mr. Mansell is quite right, sir; it is a double entry.

Mr. Penny.] It is evidently a mistake, for the acreages are the same.

Colonel M'Kerris.] We will correct that.

Mr. Le Poer.] You are put down as occupier of one rood of Ballinlough; is that correct?

Mr. Mansell.] It is, sir; that is not the island.

Mr. Penny.] There is also Killinure South; are you the occupier of that; you will see it in page 44?

Mr. Mansell.] Yes.

Mr. Penny.] Who is the proprietor of it; is it the Hon. W. Temple?

Mr. Mansell.] There is some one before Mr. Temple, if you mean the fee simple owner; I am the occupier, and have a fee-farm grant of it. Mr. Temple holds also by fee farm grant, but I don't know who he holds from.

Colonel M'Kerris.] Which of the two entries of the island opposite Ballinlough ought to be struck out?

Mr. Mansell.] The upper one ought to be struck out altogether, sir. I hold it by fee-farm grant, and am the occupier.

Mr. Lyons.] Your name should be put down both as owner and occupier.

Colonel M'Kerris.] What about Killinure North?

Mr. Mansell.] I have nothing to say in that.

Colonel M'Kerris.] Do you object to the valuation of the lands in which you are interested?

Mr. Mansell.] I do to Killinure South.

Mr. Le Poer.] Relatively or absolutely.

Mr. Mansell.] Relatively and absolutely, both. My lands there are not flooded more than once in 20 years, and they are not flooded in summer at all. I have not seen it flooded for many years until this year; this year a very small portion was flooded.

Colonel M'Kerris.] Is it ever flooded in summer?

Mr. Mansell.] No, sir; it is not flooded at all now. It is only on the occasion of extraordinary floods that the waters cover it.

Mr. Penny.] The greater portion is marked on the map as saturated land.

Mr. Mansell.] I beg your pardon; it is saturated, but by water from higher lands, not by water from the Shannon. I examined it this year carefully, and it is quite plain that the saturation is from the higher lands, not from the Shannon, which does me no harm whatever. The only benefit I would derive from the proposed works is, that the lowering of the Shannon would prevent the raw edge of the land from being cut away by slow degrees; in that respect I would derive some benefit, but so far as soaking is concerned, I would derive no benefit.

Colonel M'Kerris.] Would it give you any opportunity of drainage that you have not now?

Mr. Mansell.] No, there is a sufficient fall without it. It would give me some; I would derive some benefit, but I submit that the benefit I would derive is altogether disproportionate to the sum charged; disproportionate relatively and also absolutely. The quantity is three acres three roods, and on that there is charged a sum of £1. 8 s. a year.

Mr. Le Poer.] That is something over 6 s. an acre.

Mr. Mansell.] Yes; I submit that is altogether too much.

Mr. Le Poer.] Do you mean relatively too much?

Mr. Mansell.] Yes.

Mr.

*Mr. Le Fanu.*] Relatively to what?

*Mr. Maxwell.*] To other lands. For instance, relatively to the island, to the assessment of which I don't object.

*Mr. Le Fanu.*] The assessment on the island is about 5 s. 6 d. per acre.

*Mr. Maxwell.*] Yes; I don't object to that; I will derive benefit there, but the other is certainly too high altogether.

*Colonel McHerrie.*] Mr. Lynan, will you tell us what you can about this?

*Mr. Lynan.*] It is represented in the map as a margin or more shore, along the south of Killinure, liable to be covered at high floods, and a strip between that and the high land of a wet nature, which we considered had not a sufficient outfall for drainage and improvement.

*Mr. Maxwell.*] During the recent flood I walked on the land, and it was drier than what was higher up, showing that the land was suffering not from seepage from the Shannon, but from spring water coming from the lands above it.

*Mr. Lynan.*] Killinure South is what I am referring to?

*Mr. Maxwell.*] Yes; the water comes not from the Shannon, but from the higher lands.

*Mr. Le Fanu.*] Is there anything in the quality of the soil which led you to put a higher rate on it?

*Mr. Lynan.*] I am not aware that there is, sir. I rather think the assessment of this is a little too much.

*Colonel McHerrie.*] Would you be good enough to look at it again?

*Mr. Lynan.*] I will, sir. I rather think it is a little too high.

*Mr. Maxwell.*] If you will be so kind, Mr. Lynan, as to let me know when you are going to look at the land, I will be most happy to facilitate you.

*Colonel McHerrie.*] Look at it, Mr. Lynan, and tell us what you think of it at our next meeting.

*Mr. Lynan.*] I will, sir.

*Mr. Peasey.*] That concludes the Athlone objections, with the exception of those which have been adjourned.

*Mr. Fair.*] I have now respectfully to apply that you will be so good as to adjourn the cases of Sir R. Magennis, Mr. Charlton, Mr. Potts, and Mr. Kyle, to Athlone instead of Banagher. They are in the Banagher district, but it would be more convenient to them and to their witnesses that they should be heard here.

*Colonel McHerrie.*] Would Mr. Thompson object to come to Athlone?

*Mr. Fair.*] I think not. He is the high sheriff of King's County. I am not concerned for him, but I do not think he would object to have his case heard at Athlone.

[The Commissioners consulted.]

*Colonel McHerrie* said: We will hear your cases at Athlone, as you say it will be more convenient for you. We trust that when we meet here on the 19th you will be so prepared with your evidence as to facilitate the bearing of the cases as much as possible, as to admit of our hearing the Banagher cases on the following day.

*Mr. Fair.*] I will do so, sir.

*Colonel McHerrie.*] We trust you will endeavour to do that; it will be very important both for the public convenience and also as regards our own time, and the business of the department, and also with the view of pushing forward as much as possible the general question of the improvement of the Shannon district.

*Mr. Fair.*] Quite so, sir; I think when you have heard the argument you will find that one case will settle the entire.

*Colonel McHerrie.*] That is what we believe.

*Mr. Fair.*] I shall be prepared to facilitate you, gentlemen, in every way, and I have to thank you very much for the courtesy and attention which you have shown to me and my clients.

[The Inquiry was then adjourned.]

Athlone Inquiry.

Bansker Inquiry.

## BANAGHER INQUIRY.

REPORT OF INQUIRY held at Bansker on Thursday the 4th of March 1875.

THE Commissioners sat at the Court House, Banagher, pursuant to notice, at 11 a.m., on Thursday 4th March.

Colonel M'Kee said: Gentlemen, we attend here to-day, as the Commissioners of Public Works in Ireland, pursuant to the Act of Parliament which was passed last Session, 37 & 38 Vict. chap. 60, known as the Shannon Act of 1874, for the purpose of inquiring into objections which have been lodged to the survey and valuation of lands in the poor law unions of Ballinasloe and Parsonstown, under the provisions of that Act of Parliament. Government having granted a sum of £150,000*L* towards the proposed works for the lowering of the Shannon, the cost of which is estimated not to exceed £300,000*L*. The Act directs that the remaining £150,000*L* shall be assessed on the lands which are contemplated to be improved, the assessment being distributed according to the relative degree of benefit which it is estimated the lands will receive. The assessment has been based on a survey and valuation prepared with great care some years since; the valuation having been made by two gentlemen acting independently of each other, Mr. Charles Brasington, of the firm of Brasington & Gule, on behalf of the Government, and Mr. James Lynam, civil engineer, on behalf of the proprietors of the lands. Those two gentlemen agreed upon the valuation on which the schedule has been based, and the present meeting is for the purpose of hearing the objections which have been lodged thereto by the proprietors of lands in the poor law unions I have mentioned, so that the assessment may be amended, if necessary, as preliminary to the further step of inviting the assent of the proprietors to the carrying out of the intended works. I should mention that as it is necessary that the entire sum of £150,000*L* should be assessed upon the lands benefited, any reduction which may be made in the assessment on any one proprietor will have to be distributed over the others, so that it is their interest to see that no reductions are made which are not warranted by the facts. We shall now proceed with the objections.

Mr. Peavy said the first objection was that of Mr. Mather, page 30 in Schedule. The hearing of this objection was postponed on the application of Mr. Hyde, in consequence of the absence of witnesses. Mr. Penny said the next objection was that of the very Rev. Dean Buxton, page 4 of the Schedule:—

"Sir,

"I understand that it is proposed by the Board of Works to undertake the drainage under the Shannon Act of 1874. I beg to say that, as the owner of eallow lands, I entirely object to any works being carried out under the Act of Parliament, unless I am assured that such works will be of benefit to me as owner. At present I am satisfied that the drainage, as intended by the Board of Works, will greatly diminish my interest each year in the lands. I have been also informed that the Board of Works having now published their schedule of valuation under the Shannon Act, 1874, and that they propose to charge on my estate the yearly sum of 170*L* 2*s*, for 35 years, for half the cost of the proposed drainage, I beg to call the attention of the Board of Works to the fact that the eallow lands, of which I am owner, produce me a yearly rent only of 105*L* 2*s*, whilst the poor law valuation of the same lands is 50*L* 6*s* 8*d*. The poor law valuation of the islands in the Shannon, my property, is 145*L* 4*s*; so that if I add to the rent which I receive for eallow lands, 105*L* 2*s*, the poor law valuation of the islands, 145*L* 4*s*, the real value of the property upon which it is proposed to place a yearly tax of 170*L* 2*s*, is only 250*L* 15*s*. I must then deduct the head rent, which I pay yearly to the Ecclesiastical Temporalities Commissioners, which is not much under 160*L* per annum, which will leave my property—should the tax of 170*L* per annum be imposed for drainage—actually not only worth nothing, according to the poor law valuation, and the rents which I receive, but a burden to me. In this calculation I have not taken into consideration the public taxes, which of course reduce the rent considerably.

"I have, &c.

(signed) "C. W. G. Buxton,

"Dean of Kilmallock."

"E. Hernsby, Esq."

Dean Buxton.] I attend in support of that objection, and I wish to say that I am not one of those who object to the carrying out of the works; quite the contrary. I am anxious they should be carried out, as I consider they will be a public benefit.

Colonel M'Kee.] You wish to be saved from the injury caused by the floods?

Dean Buxton.] Yes, of course; that is from the injury done by summer floods. As to winter floods, they are, in my opinion, of service to the eallow lands.

Colonel M'Kee.] There would, I apprehend, be a difficulty in accomplishing such an object as that, as the relief from summer floods to a great extent necessarily involves the withdrawal of the winter floods also.

Mrs.

*Mr. Le Fanu.*] Yes, to a considerable extent the prevention of one would involve the prevention of the other, but not altogether.

*Mr. Lyons.*] The proposed works would not prevent these lands from being flooded altogether; extraordinary floods would still pass over them.

*Dean Butson.*] I think the assessment is excessive. The gross assessment ought not, in my opinion, to exceed £ 6 per Irish acre, whereas it amounts to over £ 7 10 s. I would say in fairness £ 5 per Irish acre would be the average value of the improvement.

*Colonel M'Kerrie.*] Mr. Lyons, have you examined these lands?

*Mr. Lyons.*] I have, sir.

Mr. LYONS was sworn.

*Colonel M'Kerrie.*] Will you inform us of your views of the result of the withdrawal of the floods from the lands referred to?—*Mr. Lyons.* I have considered that question very carefully. I know the lands perfectly well; in fact I know them these 30 years.

*Colonel M'Kerrie.*] You have heard the statement which has been made by the Dean of Kilmednagh, and also his objection, which has been read, that the lands would not be improved by the withdrawal of the winter floods, although they would be improved by being kept safe from autumn floods; do you concur in that opinion?—*Mr. Lyons.* Yes, sir; that is my opinion also. I believe they would be very materially improved by being protected from the floods until about the 1st or perhaps the 10th of October; but having considered the matter with very great care for a long time, it is my decided opinion that if they were not for some period of the year covered by the Shannon waters, there would be probably a diminution in the quantity of the meadow that would go against the benefit that would result from the improvement of the quality. The quality at present is exceedingly good. There can be nothing better than the quality of the grass on Dean Butson's meadows.

*Colonel M'Kerrie.*] I presume they are what are called water grasses?—*Mr. Lyons.* A great part of the land in question consists of three or four islands, called Bishop's Islands. The remainder is on the mainland, which projects into the water, somewhat as an island would. The upper end of this land is exceedingly good; there can be no better horse hay in the world than the grass which grows on them at present. It is not water grass, it consists principally of the species known as "cat's tail" grass; the very best sort of coarse grass. The lower end of the land is not so good a quality.

*Mr. Le Fanu.*] Do I understand you to say that even as regards the lower end the improvement in the quality of the meadow, which would be caused by the lowering of the water, would be counterbalanced by the loss in quantity, if the winter floods were withdrawn?—*Mr. Lyons.* I would not say that it would be altogether counterbalanced. There would be a set-off, but whether the set-off would be entirely equivalent to the benefit I cannot say.

*Colonel M'Kerrie.*] Would there be any diminution in the quantity of the better grasses of the upper portion of the meadow?—*Mr. Lyons.* I have studied that question with the utmost care, particularly within the last fortnight, and I am decidedly of opinion that there would be a loss generally, if the lands were not covered for a couple of months in the winter by water.

*Colonel M'Kerrie.*] What is the proportion of what you call the lower end of the land to the other portion?—*Mr. Lyons.* There are three qualities of land in Dean Butson's property; there is first the high, which is of good quality, producing the kind of meadow I have mentioned; there is secondly, the middle portion, which is not so good; and thirdly, the lower end of the land, the grass on which is of very coarse quality, and would be greatly improved by keeping the water of the Shannon lower.

*Mr. Le Fanu.*] What would you term the middle portion be improved?—*Mr. Lyons.* Yes, in my opinion, the middle portion would be somewhat improved, but the upper would not.

*Colonel M'Kerrie.*] You cannot say what proportion, as to the quantity of land, those three portions bear to each other?—*Mr. Lyons.* I think the second is the largest. The lands are about seven or eight miles from here. I was on them yesterday, and I was on them with Dean Butson last week, when we walked over every part of them. The lands are peculiarly circumstanced. They are only a little below the mouth of the Suck, and the Suck brings in more manuring matter, perhaps, upon them than the Shannon.

*Dean Butson.*] The lands have grown a little within the few years by alluvial deposit. They are in fact filling up by the deposit; they are not islands now in the summer, and the quantity of the land is larger now than it has been within my own memory. I have good meadow now where I had not some years ago, in consequence of the land being raised by the alluvial deposit carried down by the Suck.

*Colonel M'Kerrie.*] Is there much more land similarly circumstanced to Dean Butson's on the river?—*Mr. Lyons.* Do you mean with regard to the winter floods?

*Colonel M'Kerrie.*] Similarly circumstanced altogether?—*Mr. Lyons.* No; there are few portions of land similarly circumstanced to that of Dean Butson. There is one which is on the other side of the river, an island a little below here, and a few other places similarly circumstanced.

Banagher Inquiry.

Colonel M'Kerlie.] That is to say they would not be improved; any benefit they would derive in summer would be counterbalanced by the injury they would sustain by being deprived of the winter floods?—Mr. Lyman. I would not wish to be understood as saying that at all. I could not say that. I don't think the injury would come up to the benefit.

Mr. Le Fane.] Take Dean Butson's land; on the whole, do you think that any benefit would accrue to Dean Butson from the drainage works being carried out; supposing the summer and harvest floods are prevented, and suppose the winter floods not to cover the lands, except in the case of extraordinary high floods, would Dean Butson derive any benefit, in your opinion, from the carrying out of the works?—Mr. Lyman. I think he would; that is to say, there is no considerable quantity of the land that produces a coarse sort of herbage, sedges, and aquatic plants. There is no considerable portion of his land of that nature, then I think it would benefit decidedly by the removal of all floods.

Colonel M'Kerlie.] Are you prepared to give any definite opinion as to the extent of the improvement they would derive? Dean Butson is put down in the schedule as having about 306 acres of land capable of improvement to a certain amount, and the annual rent-charge on that quantity of land, taking the amount named in the Act of Parliament, £60,000*L*, as the total sum to be assessed, the annual rent-charge on Dean Butson's lands, relatively to other lands in the district, would be 170*L*. 3*s*. Now the evidence you have given appears to me to show that a considerable quantity of that land should be withdrawn from the assessment; and of course if that were done the reduction would have to be distributed, presuming the works to be carried on, over the other lands, so that it raises a very serious question?—Mr. Lyman. The valuation which Mr. Bransington and I made of the lands was done with the utmost care. I have since gone over the same lands with the map in my hand, and I see no reason to change my opinion.

Colonel M'Kerlie.] It is on that valuation the rent-charge has been based.

Dean Butson.] But Mr. Lyman says that, in his opinion, a considerable portion of the land would not be improved.

Colonel M'Kerlie.] It is right I should inform you that Mr. Lyman, in conjunction with Mr. Bransington, of Dublin, made a valuation some years ago which, in our opinion, justified this proportionate charge upon your lands. We do not say that it is the value, at all, of your benefit; that is for you to judge; but it is relatively to other lands the proportion to which you would be liable. It is the proportion of the £60,000*L*, relatively charged upon your land.

Dean Butson.] I am afraid my lands would be injured instead of benefited.

Mr. Lyman.] The result of what I have said amounts to this: that the assessment, in my opinion, is correct, relatively with other lands; I firmly believe it is.

Dean Butson.] The upper part of those lands, at present, brings me 6*L*. 10*s*. and 7*L* an acre for the meadow; and the lower part 4*L*. or 5*L*. If the water is withdrawn during the winter, I cannot look for the same rent.

Mr. Penny said the next objection was that of Mr. James N. Atkinson, for the lands of Carta (page 4 of Schedule).

"Sir,

"Ashley Park, Nonagh, 8 January 1875.

"On inspecting the valuation deposited with the clerk of the Ballinasloe Union, I find that 1,355*L*. 16*s*. 11*d*. shall be charged on the lands of Carta if the proposed Shannon works be executed.

"To this I entirely object, for the proposed works cannot possibly serve Carta, but I believe will injure it.

"Part of it is meadow, for which I received 6*L*. per acre last year, and which requires to be flooded in winter, and therefore cannot possibly be served, and part of it is occupied by tenants who cannot pay more rent, no matter what work is executed, so that in no way can I be served by the proposed scheme. Further, by the Schedule, it appears that the actual value of the part supposed to be improved is only 63*L*. whereas the annual rent-charge would be, according to the same Schedule, 67*L*. 10*s*. 10*d*. so that I would be a loser in every way.

"E. Horsley, Esq."

"I am, &c.  
(signed) "James N. Atkinson."

Mr. Atkinson.] I appear in support of that objection.

Mr. Penny.] The lands of Carta are put down in the Schedule as the property of George Atkinson.

Mr. Atkinson.] Yes; he is dead, and I am now the owner.

[Mr. ATKINSON was then sworn, and continued.]

My objection is just what I have written there: That I don't think my land would be improved by the proposed works; I do not think their value will be added to by being drained; I also think the value in the Schedule is put too low.

Colonel M'Kerlie.] Do you mean the present value?—Mr. Atkinson. Yes; I think the present value, as stated in the Schedule, is too low. I got 6*L* an acre for it without the slightest difficulty last summer; in fact I could get more, in my opinion.

Colonel

Colonel M'Kerlie.] Do you mean for the 98 acres?—Mr. Atkinson. For the part I have in my own hands.

Colonel M'Kerlie.] You are set down in the Schedule as the proprietor of 98 acres?—Mr. Atkinson. Part of that is held by tenants.

Colonel M'Kerlie.] Kindly give us your opinion on the whole; we understand that you appear on your own behalf as well as on behalf of your tenants?—Mr. Atkinson. Yes, I very strongly object to the assessment on my own behalf, and also on behalf of my tenants.

Colonel M'Kerlie.] For the whole 98 acres?—Mr. Atkinson. I do.

Mr. Le Poer.] Whereabouts are these lands?—Mr. Atkinson. Near Dean Bunson's; my lands adjoin those of Dean Bunson. I don't think they would be at all improved by the Shannon drainage.

Colonel M'Kerlie.] Do you suffer injury from the autumnal floods?—Mr. Atkinson. No, the floods don't interfere with me at all; I may say the land is perpetual meadow. The Shannon does not interfere at all with it.

Colonel M'Kerlie.] Do you ever lose a crop by autumnal floods?—Mr. Atkinson. Never; unless a very high one. The people I set the meadow to draw it all away before the floods come. If they draw the crop away by the 20th September, the flood won't interfere with them; if they left it until October, and if the high autumn flood came, it would injure it.

Colonel M'Kerlie.] Of late years have you ever lost a crop before the period you mention?—Mr. Atkinson. Never, myself. I have never meadowed myself.

Colonel M'Kerlie.] Is it all in meadow?—Mr. Atkinson. The portion I hold myself is, but I sell the meadow each year.

Mr. Le Poer.] Have the tenants any portion of it in meadow?—Mr. Atkinson. Yes, part of it.

Mr. Le Poer.] What is the rest in?—Mr. Atkinson. Grazing.

Colonel M'Kerlie.] There was a great harvest flood some years ago, which occasioned the complaints which have led to this enactment; it took place in August 1861; do you remember that flood?—Mr. Atkinson. I do. I have not a very good recollection of it.

Colonel M'Kerlie.] Did you suffer any injury then?—Mr. Atkinson. Such a flood as that only occurs once in about 20 years; is it not better to lose a crop in 20 years than pay 20/- an acre?

Colonel M'Kerlie.] I understand you to say that some portion of the land is in meadow, and some in grazing?—Mr. Atkinson. Yes; I sometimes graze it, and sometimes sell the meadow.

Colonel M'Kerlie.] Are you able to avail yourself of the after grass at all; do the floods interfere with that?—Mr. Atkinson. No; in fact, I don't try to do that. The winter floods come in about November.

Mr. Le Poer.] How many acres are there in the meadow?—Mr. Atkinson. There are 25 acres I hold myself, which are in perpetual meadow. I could not exactly say for the tenants.

Mr. Le Poer.] Do you mean English or Irish acres?—Mr. Atkinson. Irish acres.

Colonel M'Kerlie.] Have the tenants as much as you have yourself, taking them all together, in meadows?—Mr. Atkinson. I think they have.

Colonel M'Kerlie.] You don't call any one to support your own statement?—Mr. Atkinson. No; I did not think it necessary.

Colonel M'Kerlie.] You are aware great complaints have been made of the injury the whole of the lands bordering on the Shannon, more particularly this reach of it, are subject to from floods; have you heard these complaints of late years?—Mr. Atkinson. Yes; I have heard a great deal of complaints.

Colonel M'Kerlie.] What is the occasion of those complaints; what is it they complain of?—Mr. Atkinson. That if a flood comes in autumn it takes away their hay.

Colonel M'Kerlie.] Do your lands lie low?—Mr. Atkinson. They do; but I am satisfied with the way I am.

Colonel M'Kerlie.] You are not one of the complainers?—Mr. Atkinson. I am, indeed. I am a strong complainant against this assessment.

Colonel M'Kerlie.] You don't complain of the Shannon?—Mr. Atkinson. If I am left as I am, I am satisfied. If I am left as I am, I will have my property unburdened with a heavy rent-charge. I would rather be left as I am.

Mr. French (Clonfert.)] I believe that in that, Mr. Atkinson has expressed the feeling of the majority of the proprietors.

Colonel M'Kerlie.] We are making these inquiries in the interest of the proprietors, a large number of whom profess themselves to be most anxious that this work should be undertaken?—Mr. Atkinson. I think the land will be harmed by it, instead of being benefited. It would be a very heavy tax on me, and I don't think my land would be served.

Colonel M'Kerlie.] Mr. Lyons, can you give us your opinion as to the effect the proposed works would have on Mr. Atkinson's property?

Mr. Lyons.] I will, sir. I walked over the lands yesterday with the gentleman, besides having carefully examined and valued them some years ago; I feel quite sure the valuation made is quite correct both as to the area of land flooded, and the value; and I am quite sure the lands in question would be greatly benefited indeed by being preserved from inundation.

*Basseter Inquiry.*] Colonel *M'Keele.*] Is your valuation correct, relatively to the benefit that would be conferred on other proprietors?

*Mr. Lyons.*] Yes; we valued them all upon the same scale, having regard to the benefit they would derive.

Colonel *M'Keele.*] You say it is a fair relative valuation?

*Mr. Lyons.*] Yes; in fact, I would be inclined to say, if any change were to be made, it should be to increase it a little.

*Mr. Atkinson.*] You must be under some mistake, for you were not over the land with me at all; I am referring to Carta.

*Mr. Lyons.*] No; what I have said does not refer to that part of the lands; it does to the other side. I was not referring to Carta.

*Mr. Le Fanu.*] Carta is what we are inquiring into now.

*Mr. Lyons.*] Very well, sir. Then I beg to say I also saw Carta, and I feel quite satisfied from what I saw, that the valuation of Carta is relatively correct.

Colonel *M'Keele.*] How does the land lie; is it very low?

*Mr. Lyons.*] It is very nearly similar to Dean Busson's. There is a piece near the river exceedingly good, not quite so good as Dean Busson's, but still very good. In front of that, between it and the turf bog, there is a lower piece of land, six or nine inches lower than the other, the usual class of low marshy flat, a good deal too much flooded both in winter and summer, and the grass on which is therefore of a coarse quality, but a highly productive quality, though coarse.

*Mr. Atkinson.*] How would taking the water off of it add to the value?

*Mr. Lyons.*] In the first place, by the crop not being destroyed any year, as I saw it all destroyed myself, every perch of it. Perhaps it would be well to state, generally, because this applies to the whole line from Portumna to Athlone, that in 1861, in the month of August, I went on board one of the steamers to Athlone, with an Ordnance map in my hand, and with the exception of one or two lots at Moelfick, the entire crop was totally destroyed.

*Mr. Atkinson.*] Did you ever know that to occur but once?

*Mr. Lyons.*] I never did to that extent. I have watched the lands carefully since, and the crops have not been destroyed; they have been injured frequently, but not destroyed.

*Mr. Atkinson.*] What was the date of that flood?

*Mr. Lyons.*] In 1861.

*Mr. Atkinson.*] What time of the year?

*Mr. Lyons.*] In August, I think it was the 18th of August. I came down the river in a row-boat, either in 1872 or 1873, also from Athlone, and though the whole crop was not destroyed, a very large part of it was destroyed.

Colonel *M'Keele.*] 1872, was a very wet year.

*Mr. Lyons.*] Yes, I think it was in September or October 1872; but they are injured every year.

*Dean Busson.*] They are injured, certainly; very often in consequence of the negligence of persons who will not take their crops away in time. I have a great deal of meadow, but I am not injured, because I take it away in time.

*Mr. Le Fanu.*] Were you injured in 1861?

*Dean Busson.*] I was. Not for many years before was there such a flood. We generally fix a time for the people to take away the meadow, and, if they are diligent, they will not lose the crop; of course, if not, they will lose it; I don't think it is fair to say that the loss of the crop is due to the flood. It is not the fault of the Shannon, it is the fault of the people themselves.

*Mr. Atkinson.*] That is just our case too. A high flood, like 1861, occurs only once in 20 years.

*Mr. Lyons.*] If the tenants and owners of land along the Shannon were sure what particular year out of the 20 the flood would come, they would be prepared for it, and would get their crops away early; but the meteorological state of this country is such that they cannot possibly be sure of that. Every year they are in dread of it; it hangs over them every year; it is more to come some year or other.

*Mr. Le Fanu.*] Is that the reason they leave their crops so long?

*Mr. Lyons.*] No; but it is a fact, however.

Colonel *M'Keele.*] Are your tenants permanent or otherwise?

*Mr. Atkinson.*] Permanent.

Colonel *M'Keele.*] How much an acre do they give you for the meadow?

*Mr. Atkinson.*] Well, it varies.

*Mr. Le Fanu.*] I think you said that what is in your own hands brings you in £1. an acre.

*Mr. Atkinson.*] Yes. The other gives me nothing at all like that.

*Mr. Lyons.*] The pasture of it was grazed last year, and I was told by good authority that the flood came so soon that the cattle had to be taken away from it. A considerable portion of the grass was injured by the flood; it could not be utilised.

*Mr. Le Fanu.*] Independent of the loss caused by the autumn floods destroying the crops at times, and injuring them at other times, do you think there would be any positive increase in the value; for instance, would land yielding a crop, which is at present worth £1. an acre, be worth more, if the works were carried out?

Mr.

Mr. Lyman.] In the state of things which I and Mr. Brassington contemplated when we made our valuation, the lands would certainly be benefited to the amount we put down. Baugher Inquiry.

Mr. Atkinson.] How much would they be benefited? I don't think they would benefit £1, or even £10, an acre.

Mr. Lyman.] I think you would go farther than that yourself.

Mr. Atkinson.] I would have to go very far to get it.

Colonel M'Kerlie.] Proceed to the next case.

Mr. Peavy read the following objection. (See page 36 of Schedule.)

" To the Commissioners of Public Works in Ireland.

" Shannon Act, 1874.

" We, the undersigned, James Mathers Arris, of Ardkernan, and John Arris, of Hall Rule, Hawick, Scotland, owners of the lands in the Schedule hereto mentioned, hereby object to the amount proposed to be charged on said lands by the valuation lodged in the office of the said Commissioners, under the provisions of the above-mentioned Act, and we further object to any sum whatever being charged on said lands by reason of the same being relieved from inundation by means of the works proposed to be executed under the above-mentioned Act. And we hereby also object to the survey of the lands lodged in the office of the said Commissioners, under the provisions of the above-mentioned Act.

(signed) "James M. Arris,"  
"John Arris."

" Schedule referred to in foregoing objection. Ordnance Sheet 56. County of Rosemount: Townland, Cloonburren, 164 a. 2 r., proposed annuity £51. 11 s.; Devenish Island, 20 a. 2 r. 3 p., proposed annuity, 14 l. 2 s. 8 d.; total, £61. 13 a. 8 d.

" Dated this 21st January 1875."

Mr. Hyde (Solicitor).] I appear on behalf of the Messrs. Arris, and although the drainage of the Shannon has been for many years earnestly looked for, yet though no doubt it might be a benefit, it might at the same time cost too much. I am in a position to prove that the tax now proposed is decidedly too high. The man who occupies the land—a return of which I hold in my hand—will prove to your satisfaction that the charge proposed to be put upon it is exactly double what it ought to be. This is probably about the best situated land in the country; the most productive to the occupier, and the Messrs. Arris. They have received large rents for those meadows for many years; but if the winter inundation be removed, you will find, from the evidence I will lay before you, that the Messrs. Arris would be considerable losers by it. The lands would, no doubt, be greatly deteriorated in value by the removal of the floods, which cover them in winter, and render them profitable meadows to the owners. If the winter floods were removed off these lands, the present herbage, which is suitable to the circumstances under which it grows, must gradually die away, and, before a new herbage could take its place, a long period of barrenness must intervene, unless the lands were converted into tillage for some time, and then laid down anew, a proceeding which would entail enormous expense. The lands, moreover, are not fit for tillage; and this would be an important matter, having reference to what I have stated, because, if so, they must, if tilled at all, be tilled at a loss. The agent of the Messrs. Arris is here, and I have also here several respectable parties who know the lands, who live in the locality, and will be able to state to you what the actual value of these lands is at present to the owners, and that the amount put on them in the Schedule is just double what it ought to be. I will be able to prove to you, from a memorandum I have taken from the agent's book, that in the year 1868 the proprietors of these lands received a rent of 463 l. 8 s. for the produce of the crops; in 1870, 434 l.; in 1871, 432 l.; in 1872, 512 l.; in 1873, 420 l.; and in last year, 1874, they received 438 l. That shows the value those meadows are to the proprietors; the vast profit they make by them, when they can derive from the hay such a sum as 500 l. a year. Would it not be a serious loss to those gentlemen if they were deprived of those meadows for want of irrigation? If the water is taken away, they will be rendered almost worthless. The land is fit for nothing but meadow, unless you rippled up the ground and manured it, and made it arable land, which you could only do at a serious loss every year. The land produces now a plentiful crop of meadow; that is what it is naturally fit for, but the meadow cannot grow unless it is watered; if you take away the water it will die. With these few observations I will go into my evidence.

Colonel M'Kerlie.] How far is this place from Baugher?

Mr. Lyman.] It is exactly opposite the Seven Churches.

Mr. STUART WILSON was sworn; Examined by Mr. Hyde.

Are you the Agent of the Messrs. Arris?—I am.

You live at Fahey?—I do.

Do you know the callow lands of Cloonburren?—I do.

They contain, I believe, about 164 acres?—They do.

Brougher Inquiry.

You also know the lands of Devonish Island?—I do.

They contain about 20 acres; is that so?—Yes.

Now you handed me this memorandum; is it correct?—Yes; I have got the books here. The books from which you took it?—Yes.

Is that a correct return of the amounts produced by the meadow that grew upon those lands?—It is, for six years.

It was never under 400*L*, and it has gone as high as 512*L*; about 438*L* is the average; is that so?—Yes.

The meadow is good?—It is. Part of it is very good; cannot be easily beaten.

On an average, what were they valued for per acre?—From 4*L*. to 5*L*; some over it. Do you get over 5*L*. per acre for some?—I do, up to 7*L*.

They average 4*L*. an acre?—They do.

If the floods were removed what opinion can you form as to the return of hay off those lands?—I am certain we would not have half the quantity of hay, because the ground is so high that in a dry season our crop is always light. Allowing we have got the flood in winter, if the summer is dry we have a light crop on part of it. The land is so high there must be a rise of from three to four feet of water before it can come to any part of ours. I am 10 years agent, and since I came there I do not think we have lost in the value of 4*L* in consequence of the floods, because unless people are adrift altogether, we will see the floods covering our neighbours' lands before it comes to us; so that it is a good lesson, when other men's meadows are covered, to get ours out of the way.

Then you are of opinion the lands would be greatly deteriorated in value by the removal of the floods?—I am.

Do you consider the present herbage upon those lands would gradually die away, if the floods were taken off?—I am certain it would.

Even before a new herbage could spring up?—It would.

Then if the water is removed off those lands, must not they be turned into tillage to make them productive?—Well, they may turn into pasture; there is part of it would never pay to turn into tillage; there is nothing but light moss on part of it.

Would it not be better to turn that into tillage until it would produce a new growth of everything; for until that was done, I suppose it would be no use at all if the water was taken away from it?—Well, I think not.

By Colonel M<sup>r</sup> Kerlie.] What is the quality of this land you are speaking of?—One end of it is very good; another part is of the nature of a moory clay, with a marly clay below it.

You are close to the river?—Yes; we are running by the river side. Undoubtedly the land is a little better by the river than farther out.

Does it stand higher than other meadows in the neighbourhood?—Oh, yes, sir, it is quite superior to any of the meadows on either side of it.

Lower down the river: take the next township, Cappaghleitrim: is it different from that?—Cappaghleitrim is lower than us; a good deal lower; their meadow is generally covered before we have any water. The most of their lands is covered before there is much of ours covered.

Do the floods rise so slowly as to give your tenants time to have their crops removed?—They do; after other people's lands are covered we have time enough.

How many days is Cappaghleitrim covered before your land is covered?—We have three days before ours is covered. We have a high ground in the centre of the meadow that leads to the road, and we can go out that way before the meadow is all covered.

By Mr. Le Poer.] There is part of it moory?—Yes, sir.

What is the nature of the soil there?—It is very light; it grows a light kind of moor.

Where do the tenants live who hold the lands?—We set it yearly; they come from all parts; the most of them from the parish of Moate.

Mr. Hyde.] Within a distance of two or three miles?—Well, some of them are four miles away. It is let by the season every year. On the 1st of August there is a "call" of it; some of them have had it year after year for the last 20 years. If a man dies another comes in; and sometimes one man makes a higher offer and puts another out.

Colonel M<sup>r</sup> Kerlie.] Is the rent you receive quite independent of any loss that may occur by floods?—Quite independent.

If their crop is injured by the floods, do you get the rent all the same?—Yes, sir; we lose nothing. In fact, if any loss occurs it must be their own fault. There was one season, three years ago, the flood rose, and the man that was our manager lent them his horses to secure the crop; but if he did it was his own good will to do it; we were not obliged to do it.

Mr. Hyde.] I have several other witnesses, gentlemen, but their evidence would be a repetition of what you have heard already. If you think it necessary to examine them I will do so.

Mr. Le Poer.] That is a matter entirely for your own discretion. I do not think you need ask them all the same questions; you can ask them whether, having heard the evidence of Mr. Wilson, they concur in it.

Mr. Hyde.] Very well, sir, I will examine some of the tenants also.

Colonel M<sup>r</sup> Kerlie.] You need not examine all the tenants; one or two will be sufficient.

JOSEPH CHARTERS, SWORN; Examined by Mr. Hyde.

I believe you live at Shannon Bridge?—Yes,  
Are you well acquainted with the lands of Mr. Mathers, now the property of Messrs.  
Aris?—Yes, sir.

Are they productive meadows?—They are good meadows.

Do you think, if the water were removed, they would still be good meadows?—I do not.

Do you know the quality of the hay which those meadows produce?—I am not particularly acquainted with it, but I know it is good.

I believe it is greatly looked for by parties who buy hay?—It is.

Do they pay a high price for it?—They do.

How much an acre?—I cannot exactly say.

Did you hear Mr. Wilson's evidence?—I did.

Do you concur in what he said?—Yes.

Then, in your opinion, if the water were taken from the meadows, would they be worth half of their present value?—I do not think they would; it depends upon the irrigation of the river to grow the meadow.

Do you consider the valuation which the schedule puts on those lands too high?—I do.

How much do you think it too high?—I think it is a great deal too high.

Would you say there was one-half too much put upon them?—I would; in fact, I think the meadow land would be of no value if the floods were removed.

By Colonel M'Kerlie.] Do you know those lands long?—I know them for the last 24 or 25 years.

Have they been subject to summer floods in your recollection?—No, sir; the land is very high.

The year 1861 has been referred to; do you remember the flood of August 1861?—I do; that was a very wet season. Such a season as that very seldom occurs.

You remember that flood?—I do, well.

Was that land flooded then?—I think it was.

Do you know for certain?—No, not for certain, but I think it was. It is, I suppose, about three miles from Shannon Bridge, and I know, by the height of the flood in my neighbourhood, that it must have been flooded at the time.

Mr. Le Poer.] Do you remember any other flood like that?—I never remember a flood like that in summer; I never recollect so high a flood in summer.

Do you recollect any other summer flood to have flooded those lands at all?—I do not.

One thousand eight hundred and seventy-two was a very wet year, do you remember it?—I do, well; but the floods were not at all as high then.

Did the water cover the lands then?—Only a little; it did not cover the meadows.

Did it cover up part of them?—Oh, it might, but only the very low part; there was not a general flood on the meadow.

What proportion would the low part bear to the whole?—It would not be a fourth, sir.

Do you know Devenish Island?—I do not.

You don't know the island?—I do not; I know the meadows generally by looking at them, but I don't know the names.

It is an island of about 20 acres, standing in the middle of the river?—I know the meadows, but I don't know them by name.

You know the island?—I do.

Is that subject to floods?—In the winter it is.

Is it subject to floods in summer?—No, it is not.

You want to preserve the winter floods?—Yes, sir, that is what we want to preserve.

Mr. Hyde.] I have no other evidence, sir, except to go over the same ground again.

Colonel M'Kerlie.] Can you bring one of the persons who actually rent the land?

Mr. Hyde.] The party who occupies Devenish Island is not here. If he were here, I presume he would tell us the same thing. Devenish Island is in Mr. Mathers' possession.

Mr. Le Poer to Charters.] Does what you say with reference to Cloonburren apply also to Devenish Island?—Joseph Charters. It does, sir; Devenish Island is higher than the meadows.

Colonel M'Kerlie.] Mr. Lynam, we would wish to have your views with reference to these lands; do you know these lands of Cloonburren and Devenish Island?

Mr. Lynam.] I do, sir.

Colonel M'Kerlie.] It has been stated that so far from being benefited by the works, they would be seriously injured; in fact, one witness says they would not be worth half the value if the floods were taken off. A part of it is stated to be light moor land, and owing its value greatly to the winter floods. It is also stated that it is not subject to the same extent of flooding as the adjacent land; and that the tenants have ample warning to withdraw their cattle before the water reaches them. Can you tell us your opinion as to how these lands are circumstanced?

Mr. Lynam.] I walked over the lands last Monday with this gentleman in order to refresh my memory with regard to the valuation of them that I made several years ago, and

**Brougher Inquiry.** and I observed them very closely, and considered the matter, and what he said with regard to them I considered very closely indeed; and I feel quite sure the figures Mr. Brassington and I put down in the valuation are relatively correct, and I feel quite sure that a judicious drainage of the Shannon would materially serve the meadows, that is to say, the flooded portions, which are a little lower than the others. In this case, as well as in the others that have come before you to-day, there are certain high portions which are safe enough, but they bear a very small proportion to the whole. The large extent of flats are certainly injured by the great length of time the floods remain on them. The soil is exceedingly good everywhere on those large flats, and the herbage produced is very large in quantity, but it is not very good in quality.

**Colonel M'Kerlie.**] Did you make the valuation of those lands in conjunction with Mr. Brassington, or did you each make your valuations separately and independently, and afterwards confer with each other?

**Mr. Lynam.**] I made the valuation myself entirely on my own account. My figures were subsequently compared with those of Mr. Brassington, and whenever we differed we discussed the matter, and after discussion, and sometimes going over the ground again, we came to an agreement after discussion and re-examination, and the schedule which we sent to the Treasury is the result of our united deliberation.

**Colonel M'Kerlie.**] I wish to mention that Mr. Brassington would have been here to-day had he not been so much engaged that he could not manage to come. We regret very much that he is not here, but his absence was unavoidable. We endeavoured to secure his attendance, but we were not able. However, Mr. Lynam informs you that Mr. Brassington and he agreed in the result of their valuation.

**Mr. Lynam.**] Yes.

**Mr. Hyde.**] Do you think the taxation too high upon these lands?

**Mr. Lynam.**] I feel quite satisfied that the valuation we made is quite relative, and that the improvement would be well worth the money, both to the tenant and to the landlord.

**Mr. Le Poer.**] Do you think the annual rentcharge now proposed by the schedule to be put upon the lands is too high?

**Mr. Lynam.**] I have already said I thought my valuation quite correct, and if the rentcharge is based on the valuation, of course you can draw your own conclusion from that.

**Mr. Hyde.**] Do you think the proffered taxation higher than any benefit that could result to the owners of the lands?

**Mr. Lynam.**] I think the figures in the schedule are rather too high.

**Colonel M'Kerlie.**] That is, the figures in the last column?

**Mr. Lynam.**] Yes, sir. Of course it must be inferred by anyone that when I have sworn to the accuracy of my own valuation, as far as my professional judgment goes, of course anything that differs from that, it must be inferred that, in my opinion, it is mistaken.

**Colonel M'Kerlie.**] But, relatively, is it correct?

**Mr. Lynam.**] Yes, sir, relatively I believe it is quite correct.

**Mr. Hyde.**] I have nothing more to add in the way of evidence than I have already given; it would be merely a repetition of the same thing. There is one man here who is in the employment of Mr. Mathers; I might, perhaps, examine him.

**Colonel M'Kerlie.**] That is entirely a matter for your own discretion.

**Mr. Hyde.**] Then, sir, with your permission, I will ask him one or two questions.

#### THOMAS CURRY, sworn; Examined by Mr. Hyde.

You live at Faky?—I live at Clonharren.

How long?—Sixteen years.

You are in the employment of Messrs. Mathers?—Yes.

Do you know the lands well?—Yes.

You say you have had the superintendence of those lands for 15 years?—Sixteen years.

Is it your opinion that if the floods were taken off these meadows they would be injured?—I would say so.

What amount of injury would it do?—I don't think the lands would be more than half as good.

Would they be half as good?—Perhaps not.

Is it your opinion that your employers, the Messrs. Mathers, would sustain a serious loss if the water were taken off?—Yes.

And that this hay, which has been referred to as producing 400*l.* annually, would not produce 200*l.*?—I don't think it would.

Do you consider the valuation of this too high?—I don't know anything about that.

Mr. Hyde said that concluded the evidence he had to offer.

**Mr. Penny.**] The next objection is that of Lord Dunsandil.

**Colonel M'Kerlie.**] He wishes his case to be heard at Portumna.—[Adjourned to Portumna accordingly.]

Mr.

Mr. Penry.] The next is that of Mr. James C. Harter.—[Adjourned till later in the Beaumaris Inquiry day.]

Mr. Penry.] The next is Mr. W. C. Kyle.

Mr. Lysons.] Mr. Fair is engaged for him; he wishes it to be heard at Athlone.

Mr. Penry.] The next is Major Nolan.

"Sir,

"I hereby give notice on the part of Major Walter R. Nolan, owner of Resek, &c., called Captain J. P. Nolan in the Shannon Schedule, that he objects to the survey, and to the description of his lands charged, and to the sums charged thereon. Please inform me if this letter is a sufficient objection; and if not, what forms I have to comply with."

"The Secretary, Commissioners of  
Public Works, Dublin."

"Tuam, 15 January 1875.

"Yours, &c.  
(signed) "Sebastian Nolan."

Mr. Sebastian Nolan.] I appear in support of that objection on behalf of Major Nolan, and I feel I ought to say a few words, inasmuch as my brother held a conspicuous position in passing this Act of Parliament; and as we are now apparently engaged in throwing it out, or at least objecting to its being carried into effect, I wish to explain why it is that I feel called on to do so. I find on looking at the Schedule that the riparian proprietors are alone asked to pay any portion of this charge. I know very well the extent of land that will be benefited by the drainage, and I am under the impression that instead of the riparian proprietors of the Shannon being called upon to pay the whole, there are vast tracts of land upon tributary rivers like the Suck that would derive benefit, and ought to be charged. Some time ago there was a commission to investigate the question of the Suck, and they reported that if the bed of the river Shannon was lowered the lands would be improved, and the proprietors along the course of the Suck would gain enormously. I know some of those lands, and there is no doubt about it that they would. It was said that the drainage was stopped, but that if the Shannon was lowered the flow along the Suck would be such that the lands would be greatly benefited. Now, with reference to these lands the property of Major Walter R. Nolan, they are peculiarly situated. They are not flooded in summer; they are only flooded in winter, except on an odd occasion, and instead of being benefited, will rather be injured, by being deprived of irrigation. In the next place, I wish to point out that we have no guarantee that the Government will give one penny of the 150,000 £. They ask us in the first place to expend 150,000 £., and if that is not enough they will give the balance. But after our 150,000 £. is expended, they may say that is sufficient, or another Government may come in and refuse to contribute anything. If a Liberal Government came in, as we know several conspicuous Liberals have opposed this work all along, they might refuse to give us a single penny. Another point is this: it appears to me that almost the whole reason why we are called on to expend this large sum of money is, for the purpose of keeping up the works for the navigation of the Shannon, which is really worth little or nothing; and if the Government wish to keep up the navigation, that is a notional thing, and does not belong to the proprietors, and they should not be required to pay for it. As regards Major Nolan's property, it is set to one tenant, who pays a rent of 200 £. a year. I have gone over the lands with Mr. Lysons, and we agree as to the extent; there are 84 acres flooded, and those 84 acres pay 200 £. a year. I am agent over a large quantity of some of the best land in the county of Galway, and I know of no land that will give, as this has done, successive crops of meadow for 100 years, one crop never worse than another; it is always the same; the tenant gets 7 £. an acre for the meadow. I went yesterday with Mr. Lysons and carefully examined the land. Some parts of it are much more flooded than others, but the parts most flooded produced the most abundant meadow. The soil is gravelly; we sounded it, and in some places found it four or five inches depth; in other places it was moray, or marly. Whenever the land was deep the grass was much better; wherever there was sand it was bad. I think we should really claim compensation if the level of the Shannon is lowered. At all events the right way, I submit to you, would be to lower the Shannon first; that is what was done in every other case of the kind; lower the Shannon first, and then charge everybody to the amount he is benefited, and if anyone is injured give him compensation. This is the only instance in which we have been asked to spend the money first. I think the proper way would be for the Government to sink the Shannon first, and then to charge us in proportion to whatever benefit we derive. I firmly believe that the result of the opposition will be that the proprietors will throw out this Bill, and that this or some other Government will be forced either to knock down the works, or to spend their own money in draining the Shannon. With these observations I leave the case in your hands, but I would wish to examine one witness, the tenant of the lands, and I will ask him to say whether it would be improved or disimproved by drainage. I wish also to call attention to the careless way in which the Schedule has been made out; it is stated to belong to Captain J. P. Nolan. It belongs to Major Walter Raymund Nolan.

Colonel M'Kerlie.] One object of this inquiry is to correct such mistakes as that. In a large matter of this kind, there must be some mistakes.

Brougher Inquiry.

JOHN DEVEREY, sworn; Examined by Mr. Nolan.

You occupy part of this land?—Yes.  
 You got from 6*l.* to 7*l.* an acre for the meadow of the best part of it?—I do.  
 For the remainder, if you get less, is that because the land is bad?—Yes.  
 Do you think any drainage of the Shannon would enable you to get more than from  
 6*l.* to 7*l.* an acre for any portion of the land?—No.  
 For the rest, would you get more than you do now?—I think not.  
 Do you think the drainage of the Shannon would do you more harm than good?—  
 I think it would.

Mr. Nolan.] This man is the tenant, and pays me 200*l.* a year; he holds the  
 whole island.

Mr. Lyons.] Is there another tenant on the island?—John Devery. Yes.

Mr. Lyons.] Then this man does not hold the whole island?

Mr. Nolan.] He holds the whole of my brother's property in the island.

Colonel M'Kerlie.] What is the quality of the land?—John Devery. The island is good  
 land, but there are portions of it mossy, and with a marshy bottom.

Your opinion is, it would not be beneficial by drainage?—I don't think it would.  
 Not at all?—No.

Do you suffer any injury from summer floods?—No, sir; only very seldom.  
 Is it entirely meadow?—No, sir; some of it is grazing land.

Can you continue to graze it throughout the season?—Well, sir, when the winter gets  
 cold, we take home the stock.

What is the usual time of the year, on dry lands, to graze cattle?—We don't graze the  
 high land, sir, it is only the low land.

Ordinary grazing land; so what period do you usually keep stock on it?—In a fine  
 season we might leave them till the latter end of September or the middle of October.

That is, upon this land you keep the stock in a fine season until the end of September  
 or the middle of October?—Yes, sir.

But I am speaking of other land; land not subject to floods; how long would you keep  
 cattle on land that was away from the Shannon altogether?—I would leave them the  
 whole winter.

Then if these lands were dry, and if you could keep your cattle out till a later period  
 of the year, would not that make the lands more valuable?—It would be too cold, sir.  
 There is no shelter in it.

What proportion of the land is grazing, and how much meadow?—Between 50 and 60  
 acres of meadow, and from 20 to 40 grazing.

Do you mean English or Irish acres?—Irish.

Colonel M'Kerlie.] Mr. Lyons, can you inform us of your views with regard to the  
 effect of removing the floods from these lands; whether they would be benefited or in-  
 jured, as has been stated?

Mr. Lyons.] I walked over the lands yesterday; I was fortunate enough to meet  
 Mr. Nolan there by chance, and I checked my figures, and checked the outline of the  
 flooded land in my map. My opinion is that they are both quite correct, and that the  
 land would be materially improved by judicious draining. I will tell you one fact that  
 occurred in illustration of my statement: Mr. Nolan was good enough to get a spade, and  
 dug the ground, and when he dug a hole of about 18 inches in depth, and about one foot  
 below it instantly filled with water, which shows that the entire substratum within  
 12 or 15 inches of the surface was even yesterday completely saturated. The herbage we  
 saw there yesterday is of the character that grows on such saturated soil. I am quite  
 sure it would be materially improved by judicious drainage.

Colonel M'Kerlie.] Is the amount you have placed on it relatively correct, as compared  
 with other lands?

Mr. Lyons.] Certainly.

Mr. Nolan.] I think the amount you placed on it is 30*s.* an acre?

Mr. Lyons.] I don't know that.

Mr. Nolan.] I have got the figures here. Inchinaskeagh, 5 acres 2 rods, 7*l.* 10*s.* 9*d.*; Lehinch Island, 17 acres, 25*l.* 10*s.*; Reask, 62 acres, 25*l.* 19*s.* 8*d.*; that is just 30*s.* an  
 acre. Have you put that charge on any other land?

Mr. Lyons.] I have not put it on any land distant from a town; and I did not put it  
 on your land either. The assessment is not 1*l.* an acre.

Mr. Nolan.] I am speaking of Irish acres. Now, I want to put this question to you:  
 What amount do you think the Shannon could be drained for, so as to keep off the  
 summer and autumn floods, while leaving us the winter floods? In your opinion as an  
 engineer, what would be the cost of doing that, if a proper plan were adopted?

Mr. Lyons.] That is a very large question.

Mr. Nolan.] I want an answer to it; it is an important question, having regard  
 especially to the evidence that has been given to-day.

Mr. Lyons.] I am certainly not prepared to-day to give you an estimate upon an  
 engineering

engineering question like that. If you give me a few days' time, I will be prepared to answer you.

Mr. Nolan.] Surely you must have formed an opinion on the subject, having studied the subject of the Shannon for many years, as we all know you have done.

Mr. Lyons.] Well, sir, I think it would scarcely be judicious on my part to answer that question at present.

Mr. Nolan.] I must press you for an answer. It is really a very important question.

I hold Mr. Bateman's plans and estimates to be monstrously in excess of what would be necessary, and in excess of any benefit they would confer on the lands along the course of the Shannon.

I thought Mr. Bateman and Mr. Brasington would have been here to-day; if they were here, I would put the question to them also.

Could not the work be done in a cheaper form?

Colonel M'Kerlie.] Mr. Brasington, if he were here, could give you no information on that subject. He is solely concerned with the valuation.

Mr. Nolan.] Well, sir, as we have got Mr. Lyons here, and as he is an engineer, I put the question to him. He must have formed an opinion upon it.

Colonel M'Kerlie.] There is no reason, Mr. Lyons, that I am aware of why you should not express any views of your own that you may have formed upon the question.

Mr. Lyons.] I have made up my mind upon it in the most mature manner, and I am firmly convinced from the most careful survey, calculation, and thought, that the Shannon waters from Castleconnell to Athlone and Lanesborough could be regulated so as to improve all the lands bordering on them to the extent that would be a profitable improvement, protecting them completely from saturation from summer floods and from autumn floods, and putting over them a winter flood, not so high as the winter floods have hitherto been by about two feet, but sufficiently high to cover the great callows 18 or 20 inches deep. I am firmly convinced that that object may be accomplished at the present rate of labour and materials for 150,000 £, instead of 300,000 £.

Mr. Nolan.] Don't you think it would be fair for the Government if they wish to keep up the Shannon navigation to give us that 150,000 £?

Mr. Lyons.] No.

Mr. Nolan.] Don't you think it would be a fair way of proceeding, to complete the work, first to reduce the level of the water, and then to charge the lands in proportion to the benefit received?

Mr. Lyons.] Yes, that would be perfectly fair, and that is what they propose to do. First to reduce the floods, and not to charge the proprietors a penny until the floods are taken off.

Mr. Nolan.] You consider that would be fair?

Mr. Lyons.] Yes, and that is what they propose to do.

Mr. Nolan.] Don't you think the proprietors would be more satisfied with that than with the present plan?

Mr. Lyons.] I hope you understand me distinctly when I say I beg to correct you when you state that the Government propose first to put on the assessment, and then to do the work. That is not what is proposed. There is no idea of charging anyone a penny until the works are wholly completed, and perhaps not for two or three years after that.

Mr. Nolan.] Is not the proper way to drain the Shannon first, and afterwards ascertain the value?

Mr. Lyons.] I think the value should be ascertained previously. I think the present proceeding perfectly fair as regards the country.

Mr. Nolan.] Did you hear my tenants telling me yesterday that they would not give me sixpence rise in their rent on account of the improvement?

Mr. Lyons.] I would not mind what they said. I know the tenants would be very glad to get the work done for nothing if they could, and so would the landlords, and so would I.

Mr. Nolan.] Would there not be great difficulty in your opinion in getting the tenants to agree to any rise in their rent in consequence of the improvement?

Mr. Lyons.] No.

Mr. Nolan.] You think the tenants would be willing to give an increased rent without being forced to it by a notice to quit?—I do; I know the feeling of the tenants from Lough Allen to Limerick. I have had many conversations with them on the subject, and it is my impression that there would be no difficulty in imposing on them a fair proportion of taxation.

Mr. Madden.] Hear! hear! I believe the tenants will pay whatever they have a right to pay in fairness, without notice to quit or any other compulsory process.

Colonel M'Kerlie.] Mr. Nolan, I think to some extent you are under erroneous impressions which I wish to remove. In the first place you allude to the proprietor of the land along the course of the Suck with a proportion of the cost of the proposed improvement. It is intended to take up the Suck as a separate district. The proprietors of land along that river are forming themselves into a drainage board under the Act of 1863, with the view of carrying out the drainage of that district, and the probability is that it will be found that the improvement of the lands will be barely commensurate with the cost. That is more than probable, but under any circumstances there would be no just grounds to call on them to contribute to the lowering of

Banagher Inquiry.

the Shannon. That has been recognised generally, and most engineers are now inclined to believe that the effect of opening up such a river as the Suck—circumstances as it is—would have but little effect on the flood waters of the Shannon. That I think is generally acknowledged by those who have well considered the subject. I think the next point you referred to was the question of the mode of meeting the cost of the work. You talk of the proprietors being called on in the first instance to pay their share—150,000 £—and that then the Government would contribute so much more as might be necessary. In that you are under a wrong impression.

Mr. Nolas.] I am very glad to hear it.

Colonel McKeirle.] The estimate of the cost of the works has been made by a very eminent engineer, Mr. Bateman. The Government thought it right to rely upon his great experience, and the estimation in which he is held as probably the most eminent hydraulic engineer in England; indeed, I may almost say in Europe. They thought it right to rely upon his judgement and experience in the matter as to what was necessary to be done in order to effect the improvement which it was understood was desired by the proprietors of land along the course of the Shannon, that is to say, entire relief from liability to summer floods, and also relief from ordinary winter floods—not extraordinary floods—and I believe they are so very nearly alike, high summer floods and ordinary winter floods, as really to make very little difference in the extent of the work necessary to effectuate the larger measure; that is, the relief from winter floods. However that may be, the works have been designed by Mr. Bateman, the object being to afford relief from ordinary winter floods and extraordinary summer floods, and Mr. Bateman's estimate of the cost of the works necessary to accomplish that object amounts to 300,000 £. That is of course only an approximate estimate, but that is what he estimates would be the cost. If the proprietors assent to the works being undertaken on the basis of contributing half the cost, whatever that may be—it being understood that it shall not exceed 150,000 £—if they give their assent to the works being carried out, the whole of the funds necessary will be provided by Government, one-half as a free grant, the other half as a loan, to be repaid by assessment spread over a period of 30 years. The works would be undertaken under contract; tenders would be sought for in order to insure its being carried out as economically as possible. Whether the cost of carrying out the works would be much under the estimate is a matter on which of course we are not in a position at present to form an opinion; but, whatever the cost may be, the proprietors are not to be called upon to pay anything until the works are completed. After they have been completed the 15th section of the Act directs that a draft award shall be prepared by us, setting forth the several portions of land drained and improved, and the amount chargeable in respect of each portion. And the 16th and following sections of the Act provide that such draft award shall be laid before the proprietors, who will then have an opportunity of objecting to the charge thereon imposed upon them, when of course such corrections can be made as may appear to be desirable and proper. But until the works are completed, and the results attained which are anticipated, no charge will be made on the proprietors. When completed, and the objections inquired into, and the final award made, the subsequent adjustment of the rent-charge between the landlord and the tenant will present no difficulty, for if they are unable to agree satisfactorily between themselves, there is a means given by incorporating with this Act certain provisions of previous Acts, which would enable the matter to be determined by the Board of Works on the application of the parties concerned. I think probably the explanation I have given may alter in some respects your views upon the subject.

Mr. Nolas.] I am much obliged, sir, for the explanation you have given, but still after the 150,000 £ has been expended, the Government have not bound themselves to complete the works; I have heard that from several persons.

Mr. Le Poer.] You are to remember that the proprietors are not to be called on to pay anything until the drainage works have been completed; unless the works are carried out so as to effectuate the object in view no one can be called on to pay anything; so that if the Government left the work incomplete they would lose the whole of what they expended. The Act says that upon the completion of the works the award shall be made; until they are completed no award can be made.

Mr. Nolas.] Suppose they say when 150,000 £ has been expended that the works are complete, we have no guarantee that they may not say the works are complete as soon as 150,000 £ has been expended.

Colonel McKeirle.] The works which are to be carried out are those which have been designed by Mr. Bateman; until those works are carried out and completed, the award cannot be made.

Mr. Ewart.] Suppose it turned out that the works would be completed for 200,000 £, would the proprietors still have to pay 150,000 £, or would one-half of the 200,000 £ be contributed by Government, and the other half be charged on the proprietors.

Colonel McKeirle.] Yes, certainly; half of the cost is to be charged on the lands which are to be improved.

Mr. Ewart.] On the other hand, supposing the works exceeded 300,000 £, would the proprietors be called on to pay more than 150,000 £?

Colonel McKeirle.] No; the Act provides that the charge on the proprietors shall not exceed 150,000 £.

Dear Bateman.] Suppose some lands are injured by the works instead of benefited, would there be any compensation?

Colonel

*Colonel M'Kerlie.*] I think not: the scope of the objections would be confined to their being relieved to the extent contemplated. If it was found that any of the lands which it is proposed shall be relieved from flooding were not so relieved, then objections by the owners of such lands would be considered.

*The Rev. James Bell.*] If the works are completed, will the proprietors be assessed, whether the relief from inundation be given or not?

*Colonel M'Kerlie.*] No, not at all; the proprietors will not be assessed if the lands are not relieved.

*Mr. Le Fanu.*] And if relieved they will be charged with half the cost of the works, which is not to exceed 300,000*l.*

*Colonel M'Kerlie.*] If they cost anything beyond that the proprietors will not be liable.

*Mr. Madden.*] Have you power to reduce the sums now proposed to be charged on the lands?

*Colonel M'Kerlie.*] Yes, relatively; but anything which may be taken off one proprietor will have to be spread over the whole district; we could not reduce the total amount, but the amount charged upon any individual proprietor who could show that his lands were not relieved from flood, as intended, can be reduced. If any proprietor can show that, after the works have been completed, his lands are still subject to floods, the assessment upon him would be changed, but not the total amount of the charge upon the district at large. The lower lands would, of course, be the first to receive benefit; the higher would be the last. I think as regards the higher part of the district a single winter's flood would test the matter fully.

*Mr. Treweek.*] May I ask you, Sir, is it proposed to do away with the ordinary winter floods?

*Colonel M'Kerlie.*] Yes.

*Mr. Treweek.*] Then the fallow lands would lose the benefit of the irrigation in the winter.

*Colonel M'Kerlie.*] Not altogether; extraordinary floods would still pass over them.

*Mr. Treweek.*] Then we would be called on to pay 130,000*l.* for the removal of that which the majority of the proprietors believe to be a benefit to their lands.

*Mr. Le Fanu.*] You must recollect that two-thirds of the proprietors now assent, or the Act does not come into operation at all. After this inquiry is concluded notice of assent will be sent to the proprietors, and two-thirds of them must assent, or the works will not be carried out.

*Mr. Madden.*] Unless a short Act were passed dispensing with their assent.

*Mr. Le Fanu.*] That would be a rather strong measure.

*Mr. Lyons.*] May I beg to say a word in reference to the district of the Suck which has been alluded to. I think, after a careful consideration of the question, that the drainage of the Suck would not cost any additional expence; that is the result of my inquiry into the subject.

*Mr. J. P. Armstrong.*] If the amount of two-thirds of the proprietors is necessary, I think the works will not be carried out; for, in my opinion, you won't get one-third of them to assent.

*The Rev. Mr. Bell.*] Do I understand you to say, gentlemen, that forms of assent and dissent will be sent to the proprietors for their signature?

*Colonel M'Kerlie.*] Yes, copies of the revised schedules will be sent to the clerks of the several poor law unions for inspection by any party interested, and forms of assent will be sent to the proprietors, and unless two-thirds of them assent to the carrying out of the work it must fall to the ground.

*Mr. Penny.*] The next objection is that of Mr. Allan Pollock.—

"Sir,

"I am informed that the fallow lands belonging to Mr. Allan Pollock on the River Suck, and over which lands I set as agent, are to be charged with an annual sum of 158*l.* 17*s.* 5*d.* for 35 years. As there are only about 230 Irish acres altogether that can be benefited by the lowering of the waters, I think the above sum excessive in its amount, and will object to the charge if it is so great.

"Ballynadee, 23 January 1875.

"The Secretary,  
"Board of Public Works, Dublin."

"I am, &c.  
(signed) "John G. Gadsby."

*Colonel M'Kerlie.*] Does anyone appear on behalf of Mr. Pollock?—(No answer.)

*Mr. Penny.*] The next objection is Mr. Harter's.

*Mr. Madden* asked that this case might stand until later in the day, which was acceded to.

*Mr. Penny.*] The next case is that of Mr. W. B. Armstrong, page 13 of Schedule:—

"Shannon Drainage.  
"I, William Bigge Armstrong, of Bal Iver, Bessagh, in the King's County, Esquire, hereby object to the draft award made in respect of the lands of Newtown, in the parish of Lismagh, in the barony of Garrycastle and King's County, upon the grounds that the yearly rent-charge awarded by the draft award, and sought to be charged upon the above lands, is far greater than the value of the annual increase in value to be derived by the said

Bangor Inquiry, said lands from any improvement to be made thereon by said drainage, and also because such rent-charge is much larger than the proportion of the annual charge which ought to be imposed on said lands by reason of said drainage.

\* Dated this 20th day of January 1875.

(Signed) "W. B. Armstrong."

\* E. Hornsby, Esq.,  
Secretary, Board of Works, Dublin."

Captain J. P. Armstrong asked that this case might be adjourned, as Mr. W. B. Armstrong was engaged at the sessions, and could not attend to-day. Adjourned to Athlone, on 19th instant, accordingly.

Mr. Peasey said the next case was that of Captain J. P. Armstrong, page 12 of Schedule.

\* Sir,

\* Banagher, 26 January 1875.

\* I beg you will enter my dissent to the Shannon Act of 1874, as also to the amount assessed on my property, called Ashgrove, in the King's County, and on Glenvar, in said county, the former at 621 £. 7s. 2d., or 31 £. 1s. 4d. yearly : the latter at 81 £. 10s., or 4 £. 1s. 6d. yearly. I add, that I protest against the Act altogether.

\* I am, &c.

"The Secretary,

(Signed) "J. P. Armstrong."

\* Board of Works, Custom House, Dublin."

Captain Armstrong.] In this case I am the owner in fee ; the tenant has a lease for two lives, both of which are in existence, his yearly rent being 7s. 6d. per acre, about a quarter of its present value. I believe there are about 10 acres that would be improved by the carrying out of the intended works, but the assessment put on them is 621 £, which would be more than the fee simple of the land is worth. I object to it on that ground ; also, because the tenant having three times the interest in the lands that I have, I do not know whether he or I would be liable to pay the assessment. I have very little interest in the lands, only 7s. 6d. per acre.

Colonel McKerlie.] Would not the tenant adjust that matter with you ?

Captain Armstrong.] I don't think he would like to do that ; in fact, I find it very difficult to get the 7s. 6d. out of them.

Colonel McKerlie.] If the actual benefit were due to the tenant, and he still refused to adjust the matter with you, you could apply to us independently of him, and we have power to fix up his the amount of rent he should pay. Do you wish to go into the evidence ?

Captain Armstrong.] I wish to say that I object to it.

Colonel McKerlie.] From your knowledge of this land, do you not think it would be improved ?

Captain Armstrong.] Certainly ; but not to the extent of 621 £.

Colonel McKerlie.] But "it would be improved" ?

Captain Armstrong.] It would be improved, certainly, to a slight extent.

Colonel McKerlie.] Do you consider the quantity of land set down as capable of improvement, 74 acres, to be too great ?

Captain Armstrong.] Yes, only about 10 acres would be improved. The only portion that would be improved is the portion that abuts the river, containing about 10 acres ; the rest is all upland.

Colonel McKerlie.] Do you wish to call any of your tenants as witnesses ?

Captain Armstrong.] No, sir.

Mr. Le Fane.] The charge put down in the Schedule may or may not be the value of the improvement ; but the question is, is it relative ? They may be all overcharged ; but do you think that, relatively, yours are charged more than other proprietors ?

Captain Armstrong.] To tell you the truth, I have not considered the matter in that light ; but I think not. On looking over the Schedule, I think the proprietors are all charged more than they ought to be. Mr. Thompson, for instance, and Mr. French, I think they are charged three times more than they ought to be.

Mr. Le Fane.] Then it is the absolute amount of the charge proposed to be put upon you that you object to, not that the assessment is more severe upon you than on others ?

Captain Armstrong.] I could not answer that.

Mr. Le Fane.] Do you understand the question ?

Captain Armstrong.] I thoroughly understand you. I did not look over the entire Schedule. I merely glanced at the names of two or three persons ; but, with regard to those I did look at, I think the charge is enormous ; in fact, as much as the fee simple in some cases.

Colonel McKerlie.] You are aware there has been a good deal of agitation about the improvement of the Shannon river, and the injury inflicted by the floods upon the proprietors and occupiers of land during the last 15 years ?

Captain Armstrong.] Yes.

Colonel McKerlie.] Are you under the impression that these complaints were well-founded ?

Captain

Captain Armstrong.] I don't think they were well founded. Some of the witnesses who have been examined have proved that portions of the lands would be more injured than improved.

Colonel McKerlie.] Mr. Lynam; have you any information to give us with respect to these lands of Captain Armstrong?

Mr. Lynam.] I know the land very well, Sir; it is on a branch weir, a tributary of the Shannon, on the left-hand side.

Colonel McKerlie.] Captain Armstrong states that the extent of land set down as capable of being improved by drainage is exaggerated, that it should not be more than 10 acres; and he also objects as regards the extent of the improvement.

Mr. Lynam.] I think Captain Armstrong is mistaken with regard to boundary, or something of that sort. The area in the Schedule is correct; but I think Captain Armstrong, perhaps, did not take the same boundary. I have not seen this land recently; time did not permit me, but I know the whole of the land on that branch river to the rear of the glebe land is very much damaged by that tributary, or rather by the back water of the Shannon which runs up the valley.

Captain Armstrong.] Will anything relieve it from floods, and at the same time preserve the navigation of the Shannon?

Mr. Lynam.] Certainly; the navigation of the Shannon is not at all inconsistent with it.

Captain Armstrong.] I have lost two woods by the back water of the Shannon; part of the land is never dry even in summer; and I suppose you don't propose to reduce the water lower than the summer level.

Mr. Lynam.] If the land be under the summer level it cannot be kept dry.

Captain Armstrong.] It is under the level; my woods were dry before the Shannon navigation works were entered on. They never have been dry since. I have lost several hundred pounds worth of woods. I believe Mr. Bateman's intended works will not relieve me.

Mr. Lynam.] I know the channel of that river is very bad, and there is also a bridge of a very bad construction. It is quite possible that even in summer the land referred to by Mr. Armstrong is wet.

Colonel McKerlie.] Do you think that by clearing the channel it could be improved?

Mr. Lynam.] It might; and by my plan it was proposed to clear that river and have a new bridge.

Captain Armstrong.] Anything short of that could not give us any relief: nothing that would not reduce the summer level of the Shannon could relieve it.

Mr. Lynam.] I will look at your boundary this evening, if you like.

Colonel McKerlie.] The question as regards this particular land appears to me to depend mainly upon its level, relative to the summer level of that portion of the Shannon as kept up by the weir; of course if these lands are liable to be flooded or in a saturated state during the summer, it would materially affect the question as to the propriety of their assessment.

Mr. Lynam.] Undoubtedly, Sir; but I think I would not have included them unless I had satisfied myself that they would be relieved.

Mr. Le Poer.] If they could be drained independently of the Shannon it would not be fair to charge them for the Shannon improvement.

Mr. Lynam.] They cannot, for the Shannon water backs into these lands.

Colonel McKerlie.] Does the summer level of the Shannon back up to the bridge you speak of?

Mr. Lynam.] I cannot say that until I look at it again.

Mr. John Briscoe, Banagher.] I think if the bed of that river was opened it would be able to discharge itself, and that any water we have is from the way the small river is choked up; the water cannot get away out of it; but if it was cleared it would, in my opinion, be capable of discharging itself into the Shannon.

Mr. Lynam.] Yes, that would be all very well, provided the Shannon flood did not back the water in upon the land.

Mr. Le Poer.] Is there any fall from the place we are speaking of into the Shannon?

Mr. Lynam.] There is no apparent fall.

Colonel McKerlie.] Are these lands subject to injury from the back water of the Shannon, either in summer or winter floods?

Mr. Lynam.] They are; but you cannot relieve the lands completely unless you improve the channel of the little river, and make a new bridge.

Captain Armstrong.] Even in the summer-time I have always seen the lands wet. I don't think, under any circumstances, you would be able to relieve them from the water.

Mr. Lynam.] The tenant told me several times that he would rather than anything that the floods were taken off.

Captain Armstrong.] He did not tell you he would like to pay for it; he expected to have it done for nothing.

Mr. Lynam.] Perhaps he did. The land that I speak of is held by a man named Buolahan; it is very often flooded, and he lost his crop several times.

Captain Armstrong.] Yes; but on several occasions it was through neglect he lost it; he could have got his crop of hay off by using proper diligence, but he neglected it too long; he has more interest in the land than I have, three times.

Colonel McKerlie.] Mr. Lynam; will you look at this land and let us have your report upon it?

Banagher Inquiry.] Mr. Lynskey.] I will, Sir.

Captain Armitage.] Thank you, Sir; I will not detain you with any further observations.

Mr. Trench.] May I ask you to kindly let Mr. Trench's property be examined by Mr. Lynskey at the same time, for it is situated on the same stream, and very similarly circumstanced. There is no objection mentioned in the paper. I merely ask that it shall be looked into.

Colonel McKeirnie.] The whole stream will be looked into. The circumstances that affect one will of course affect another.

Mr. Trench.] Thank you, gentlemen.

Mr. Penny said Mr. Bolton J. Waller, of Maystown (page 18 in Schedule), was anxious to have his case investigated. The following objection was read:

"Sir,

"Maystown, Banagher, 1 February 1875.

"I beg leave to record my dissent from the proposed plan for lowering the Shannon, by the Shannon Navigation Bill, because of the magnitude of the expenditure contemplated, and the injury the removal of the flood would cause my meadows.

"I remain, &c.

(signed) "Bolton J. Waller."

"The Secretary,  
Board of Works, Dublin."

Mr. Waller.] The quantity of land for which I am charged in the Schedule is about 120 acres, Irish.

One-half of that land I graze; the other half of it I mow. I come to ask you what advantage will I get from the proposed expenditure.

You propose to assess me to the extent of over 123*l.* per annum, just 1*l.* per acre. What advantage will accrue to the grazing portion of the land by the removal of the water.

The cattle always prefer to graze on the parts that are most flooded by the Shannon.

I always observe that land which, if you walk over it, appears intrinsically inferior, that the fact of such land being flooded for a while, will cause it to fatten cattle; land which otherwise would not fatten cattle. The effect of it being flooded is to enable it to produce such a crop as will fatten cattle, owing to the alluvial deposit left on it by the water. I find the same thing takes place with the meadow portion of it. Where else will you get land which, though naturally inferior land, will yield good crops of meadow year after year; where else will you get land of that sort to go on giving crops, except where it is manured and fertilised by the water? What, then, would I gain by the proposed work; certainly there would be a little gain in this way, that I could have the aftermath, and could keep cattle on the land for a little longer period than I can at present. It may be said there is the danger of losing the crop of meadow, but if any one is caught by the flood it is his own fault. If people would cut their meadows in time, and not trust to Providence, they would never lose a crop. I have seen people leaving their meadows till near Christmas in stacks; such people deserve to suffer; and I don't think any great expense should be gone to to save such people from the consequences of their negligence.

Any person who cuts his meadow in proper time will have his crop safe. The only advantage the lowering of the Shannon would confer on me would be to give me a little longer aftermath, but the aftermath on these lawns would be worth very little; perhaps it might be worth while risking 10*s.* an acre for it, but the proposed assessment on my land comes to 1*l.* an acre, which would be a certain outlay for a doubtful advantage. On those grounds I have recorded my dissent to the proposal; I don't see how my position would be benefited, but, on the contrary, it might be made worse. There is no great certainty about the improvement, but there would be a certainty of having to pay.

Colonel McKeirnie.] Your opinion is you would not be benefited by the works?

Mr. Waller.] I say to a slight extent I would be benefited, because I suppose I could use the meadow a little longer; I would have the aftermath, and I could leave cattle on the land a fortnight or three weeks, or perhaps a month longer than I can now. That would be a slight advantage, but I don't see how it could benefit me anything else.

Mr. Le Fane.] Supposing the charge on your land is too high, is it, in your opinion, too high, relatively, to the charge which is made upon other lands?

Mr. Waller.] I did not look into it in that point of view.

Mr. Le Fane.] That is the only point of view in which we could reduce it. The whole sum must be distributed over the entire lands intended to be benefited. If you are not benefited to that extent that does not affect the question, it is only in case of one proprietor being assessed, relatively, higher than others that we can make a reduction.

Mr. Waller.] I don't see how, unless I was an engineer, I could form an opinion on that subject; I can only tell you that I think the proposed assessment on my land is in excess of any benefit I could derive.

Mr. Madden.] Unless you took a map with you, and went over the whole course of the Shannon, it would be impossible to answer that question as to the relative charges.

Mr. Le Fane.] No, that would not be necessary; you could compare your land with other lands in the same neighbourhood. Suppose there are lands adjoining your own which are charged less than yours, you could compare them without any difficulty.

Mr.

Mr. Waller.] I did not go into that question.

Colonel M'Kerlie.] Mr. Lynam, is Mr. Waller's land charged higher, relatively, than other lands in the neighbourhood?

Mr. Lynam.] No, sir; I was on part of those lands last night; I think it is valued, relatively, with the other lands in the district; I also think Mr. Waller's land would be greatly improved if it were relieved from saturation; saturation does that land a terrible amount of damage.

Mr. Waller.] I think it does my land good.

Mr. Lynam.] There is an additional reason for charging Mr. Waller's land, that under the present state of things it is much longer under the water than other lands.

Mr. Waller.] That is what makes the grass grow so abundantly.

Mr. Lynam.] Yes, coarse grass.

Mr. Waller.] Coarse grass is not bad.

Mr. Lynam.] If you put any soil under water for four or five months in the year, it will produce coarse herbage.

Mr. L'Estrange.] Relatively, is Mr. Waller, in your opinion, charged more highly than other proprietors?

Mr. Lynam.] No; in my opinion he is fairly charged.

Mr. Waller.] Am I charged as much as Major Nolan?

Mr. Sebastian Nolan.] No, he is charged 30*s.* per acre.

Mr. Madden.] I think I am charged more than you.

Colonel M'Kerlie.] Proceed with the next objection.

Mr. Penney.] The next objection is that of Mr. John Atkinson (see page 12 of the Schedule).

Mr. Atkinson.] I attend in support of my objection.

[*Mr. Atkinson was sworn.*]

The valuation is too low I consider, than what I am benefited.

Colonel M'Kerlie.] The valuation is too low, do you say?—Mr. Atkinson. I think there is too much tax put upon it.

Colonel M'Kerlie.] Is the land in your own hands?—Mr. Atkinson. It is, sir, and I consider I would be injured by the water being taken away.

Colonel M'Kerlie.] Do you admit the extent of land which is set down in the Schedule to you, 242 acres 3 rods; is that correct?—Mr. Atkinson. No, sir, I think the area is too large.

Colonel M'Kerlie.] Is it more than is flooded?—Mr. Atkinson. No, sir, but less. There is not so much flooded.

Colonel M'Kerlie.] It is stated in the Schedule that there are 242 acres of your land liable to injury, 242 statute acres?—Mr. Atkinson. Yes, sir.

Colonel M'Kerlie.] Do you say that is too much?—Mr. Atkinson. I think it is too much.

Colonel M'Kerlie.] The proposed annual charge on you is 92*l.* 17*s.* 7*d.*, you are aware of that?—Mr. Atkinson. Yes, sir.

Colonel M'Kerlie.] What do you say as to it?—Mr. Atkinson. I think you ought not to charge anything at all; that it would be an injury.

Colonel M'Kerlie.] Would the removal of the floods be an improvement, or an injury to your land?—Mr. Atkinson. I consider it would be an injury, decidedly an injury.

Colonel M'Kerlie.] Do you wish to say anything more about it?—Mr. Atkinson. No, sir, I don't wish to say anything more.

Colonel M'Kerlie.] Mr. Lynam, can you give us any information as to how these lands would be affected by the proposed works?

Mr. Lynam.] I walked over the lands yesterday with the owner, I examined the outline of the lands charged in the Schedule for improvement, and I find it is quite right. I also examined the lands themselves, the quality of the herbage, and other circumstances regarding them, and I believe they will be very materially benefited by the drainage. The taxation is certainly very large for one townland, but it is correct.

Colonel M'Kerlie.] Have you calculated the number of acres?

Mr. Lynam.] Yes. We calculated the area from the Ordnance map. We sketched the outline on the Ordnance map and calculated it in several lots, we then totted them up, and I checked them by rule myself.

Colonel M'Kerlie.] And do you say it makes 250 acres?

Mr. Lynam.] Yes, sir, it does.

Mr. Atkinson.] I would ask Mr. Lynam to go over it again.

Mr. Lynam.] I would have no objection to go over it again some day with you to satisfy you and myself of the correctness of the survey and valuation. I will give you the map, and you can calculate it yourself and check me.

Colonel M'Kerlie.] Do you consider the relative charge correct and just, with regard to the charge put on other lands?

Mr. Lynam.] I do, and, as Mr. Atkinson is himself an engineer, I will allow him to check my calculations if he wishes.

Colonel M'Kerlie.] I see by the map that the greater part of the land would be under the flood of August 1861.

Mr. Lynam.] A very large part of it was under the flood of August 1861, and yesterday when I was on the land, I saw the debris of a recent flood; I saw the reeds and rushes which had been thrown up by a recent flood, and was able to check the outline exactly.

Banagher Inquiry.

Colonel M'Kerlie.] Of course all these lands are flooded in winter.

Mr. Lyons.] Not all. There are some of the flats which are never flooded, but only saturated.

Mr. Atkinson.] May I ask you how do you make out the valuation?

Mr. Lyons.] The valuation was made upon a system that I arranged in my own mind, derived from long experience in that particular department of valuation. I have valued an immense extent of land for drainage during the last 20 years.

Mr. Atkinson.] How many times have you been over that land of mine? Have you seen the grass in the summer time? I know the grass that grows on it very well.

Colonel M'Kerlie.] Mr. Atkinson, have you always been of the same opinion you are now with regard to the good effects of the floods?

Mr. Atkinson.] Yes; I think that unless the water was on the land in winter it would be injured.

Colonel M'Kerlie.] You never joined in the cry for relief from the floods?

Mr. Atkinson.] Never.

Mr. Lyons.] I think this gentleman's father was anxious for it.

Mr. Atkinson.] He was not, sir.

Mr. George Atkinson.] I may say the same thing, I never applied for it.

Colonel M'Kerlie.] Mr. Waller, would you have any objection to tell us what your knowledge is with regard to the feeling of the proprietors in reference to the drainage?

Mr. Waller.] I think they are very much opposed to it; I have spoken to several tenants on the subject and they are all greatly against it.

Colonel M'Kerlie.] Is that a recent feeling, or has it always existed?

Mr. Waller.] Well, their attention has not been drawn to it until lately; it had never been talked about by them until lately.

Colonel M'Kerlie.] You are aware that the agitation in favour of this measure for the preservation of the Shannon floods, has been going on for the last 15 years, and it has led the Government to bring in the Bill which was passed last session, for the relief of the lands bordering on the Shannon from inundation. Is it your opinion that the feeling in favour of this measure was not generally concurred in by the proprietors?

Mr. Waller.] I never heard any person favouring it; but I have heard several tenant farmers opposing it.

Mr. Lyons.] As that statement has been made, I feel it my duty to say I have forwarded petitions to Members of Parliament for presentation for a Shannon Drainage Act, signed by at least nine-tenths of the occupiers from Turloughbarry to Killaloe, and I have been speaking to tenants and occupiers of flooded lands frequently during the last 15 years, and have conversed with most of the proprietors, and I can state, positively, that the desire may be said to be universal for a regulating of the flood waters, so as to save the crops.

Captain Aspinwall.] Those persons who signed the petitions never thought they would have anything to pay for it.

Mr. Le Fane.] How do you account, Mr. Lyons, for the circumstance that every tenant and proprietor who has been examined, has stated that so far from being benefited by relief from summer and winter flood, their lands would be damaged, and that they would rather not be relieved.

Mr. Lyons.] I account for it in this way, that they have not really expressed their true sentiments; I mean that they have not conveyed their own views correctly, through mistake. They wish that their lands should be flooded occasionally in the winter; but they also wish to have the saturation in spring prevented, and the occasional floods in summer and autumn removed. Every man of them believes that he would be benefited by that. I know there are several tenants here who agree with me. I have no hesitation in saying that after all the agitation on this subject, and all the influence which was brought to bear to induce Government to take up the question of the improvement of the Shannon, if the projects were to fall through now it would be a national disgrace.

Mr. Peasey.] The next case is that of Lord Ashbroke; a very heavy one. I understand that Mr. Mitchell, the solicitor, is engaged in it, but he is not here.

Mr. Lyons.] They are all in favour of removing the summer and autumn floods.

Mr. Le Fane.] But if the prevention of summer and autumn floods involves the removal of winter floods, I understand the proprietors to say they would not wish for it.

Mr. Sebastian Nolan.] Quite right, sir.

Mr. Maude said he thought by the adoption of a proper system of sluices the waters might be regulated so as to prevent the summer and autumn floods, while at the same time preserving the winter irrigation which was considered so valuable.

Mr. Lyons.] I think that is quite feasible. The preservation of the winter floods I hold to be quite consistent with the prevention of the summer and harvest floods.

Mr. Peasey.] The next case is that of the representatives of the late Rev. Dr. Bell, page 19 in the Schedule.

" Sir,

" Shannon Drainage Act, 25 January 1875.

" On behalf of the representatives of the late Rev. Dr. Bell I, as their trustee, object to the assessment of their lands in Kylebeg, and shall appear at the meeting to be held as advertised.

" E. Hornsby, Esq."

" I am, &c.

" A. B. Nichols"

Mr.

*Mr. Arthur Bell.*] I attend in support of that objection, and I wish also to say that I object to the valuation and assessment of Olyn's Island. The rest of it is at present something over 4*l.*, and I see it is assessed at 61*l.* 19*s.* 8*d.*, involving an annual re-charge of 3*l.* 2*s.* for 25 years, nearly equal to the whole value. I do not consider that it would be improved to that extent.

*Colonel McKeirnie.*] Do you think it would be improved at all?

*Mr. Bell.*] I dare say it will be improved, but I object to that amount being put on it. I think the charge is excessive.

*Colonel McKeirnie.*] Do you consider that it is relatively charged higher than other lands?

*Mr. Bell.*] I have not considered that question, but I consider that a charge of 3*l.* 2*s.* upon a piece of land the rest of which is only 4*l.* is excessive. I also object in the other case, that of Kylebeg. The assessment on that is 333*l.* 17*s.* 10*d.*, involving an annual re-charge of 16*l.* 13*s.* 10*d.* on 30 statute acres. I have no doubt the lands will be considerably improved; this land lies on that small river to which Captain Armstrong has already referred. It is nearer the Shannon than his land. I also wish to mention that there are four tenants holding under us who have just the same title that we have. We hold under Mr. Trench by fee farm grant, and the four tenants hold by fee farm grant under us.

*Mr. Le Poer.*] If the tenants hold by fee farm grant they should be set down as owners.

*Mr. Bell.*] Understood to give the required particulars to Mr. Penny for the correction of the schedule as to ownership.

*Colonel McKeirnie.*] Mr. Lynam, do you know those lands?

*Mr. Lynam.*] Yes, sir. I have not seen them recently, but I went over them some time since and examined them with great care. The valuation I made of them at that time I believe to be quite relative.

*Mr. Bell.*] What do you say as to the island?

*Mr. Lynam.*] I think the charge on the island very light.

*Mr. Bell.*] What number of acres are there in it?

*Mr. Lynam.*] Four-and-a-half acres statute.

*Mr. Bell.*] Yes, and on that you assess 3*l.* 2*s.* a year; while the rent is only 4*l.*

*Mr. Lynam.*] Because at present the land is poor, and the rent you mention is enough for it.

*Mr. Bell.*] Do you think it would derive that advantage from the proposed works?

*Mr. Lynam.*] I am only speaking as to the relativity of the assessment. I think it is quite relative.

*Mr. Bell.*] I think other lands which are charged less will be more improved.

*Mr. Edward Deedes.*] I hold part of this land, and I consider it will not be benefited by the removal of the flood.

*Mr. Lynam.*] I have not the figures before me on which my valuation was founded. If the Commissioners have no objection I will look at them again, and check my calculation.

*Colonel McKeirnie.*] We would be glad you did so, and give us any information you can as to how they will be affected by the proposed works.

*Mr. Lynam.*] I will look at them this evening.

*Mr. Penny.*] The next objection is that of Mr. W. L. Bird; page 14 of the Schedule; the name is given as Mrs. Hannagh M. Bird.

#### "Shannon Drainage Act."

"Sir,

"As the beneficial owner of the lands of Kilmeelchon, in the barony of Garrycastle, and King's County, I hereby give notice that I intend to object to the sum of 2,006*l.* 17*s.* 3*d.*, proposed to be charged on these lands under the above Act. As representing Mrs. Hanna M. Bird, and also as owner in reversion of the lands of Carrighavarra and Portavrola (part of). I also intend to object to the sum of 100*l.* 12*s.* 6*d.* proposed to be assessed on these lands. I object to this assessment as being founded on a totally wrong idea of the present value of the lands, and of the increased value that they are likely to receive from the proposed drainage. The lands are at present used partly for meadow and partly for pasture, and this must always be the most profitable way of using them.

"The only advantage which the lands can receive from the drainage, is the increased value that they may receive by being secured against the summer floods. The winter floods are, in my opinion, of great value to the lands.

"As to about 60 acres of the lands of Kilmeelchon, they are merely moor pasture, incapable of any considerable improvement by mere draining, and certain never to be worth more than about 1*l.* per acre. That is considerably less than the sum assessed upon them. Upon the whole, then, I object to the proposed assessment as being altogether and almost ludicrously out of proportion to the real increase of value that the lands are likely to receive from the proposed works.

"I am, &c.

(signed) "W. S. Reid."

"E. Hornsby, Esq."

*Mr. Brinsley Parfey* said he had been requested by the parties interested in this case to state their views. It appears that the lands proposed to be improved consist of 205.

Banagher Inquiry.

16 acres 1 rood 30 perches in the first instance (part of Carraghavarra and Portavollil), and in the second instance (Kilmeechton), 182 acres, making, on the whole, a quantity of 198 acres 1 rood 30 perches, charged with an annuity (should the contemplated improvements be carried out), amounting to £307 7s. 6d. a year. Now the only portion of this land that in point of fact could be improved by the proposed works, would be between 20 and 30 acres lying near the Shannon that are subject to autumnal floods. A large portion of this land Mrs. Bird acts in meadow, and it produces, at the lowest, 2d. 15s. an acre, varying from that to 5d. per acre each year. I believe, and Mrs. Bird believes, that if this land is deprived of the winter irrigating which it receives from the floods, it will be seriously deteriorated in value. I have had practical experience myself of that fact; so that while having to pay during 35 years the enormous sum of £3,563 2s. 6d. for improving between 30 and 40 acres of land, the owner would actually be injured instead of benefited, by the removal of the winter irrigation from the remainder of the land. The sum I have mentioned amounts very near the purchase money which Mr. Bird paid for the entire property. Under these circumstances he altogether disapproves of the project. I may remark that many of us who appear here are not thoroughly satisfied that the contemplated improvements, when carried out, would accomplish the objects which are expected. There is not one of us that would not contribute what would be fair if we believed, and had reason to be satisfied, that the harvest and autumnal flooding would thereby be prevented. You have referred to the floods of 1861, and I would beg to mention a circumstance that occurred at that time. In the lower part of the parish with which I am connected, the floods came very suddenly and swept away some of the people's property. The people were of opinion that one cause that contributed to increase the height of the floods and render them more destructive was a beam or structure, 18 inches deep, which had been erected across the river some years previously by the Board of Works, and it was contemplated by some of the country people to remove it. The Government, however, got some hint of the matter, and I say a police force stationed there to preserve the beam, and not allow the public work to be interferred with. I would ask, is it not possible to make some improvements of a moderate and inexpensive nature? Mr. Lynam some time ago informed me that he went to France and Belgium to see various works which have been constructed there, floodgates and sluices, for the purpose of preventing autumnal floods. As to winter floods, we accept them as a boon, for they leave on the land an alluvial deposit which fertilises the meadows; and my belief is that the herbage would be deteriorated, if not destroyed, by depriving the land of the winter floods. I know of a gentleman who had between 14 and 16 acres of fallow land on this side of the bridge. He held it at 2l. 5s. an acre from Mr. Harter. He made from 3l. to 3l. 5s. an acre of it by letting it as meadow; but some years ago, when the Shannon works were completed, the result was that this land was rendered dry, and was so much deteriorated that they had to turn it into gazing.

Colonel M'Kerlie.] Do you wish to examine any witness in support of the objection?

Mr. Parfey said a tenant named John Sullivan could give evidence as to the effect the proposed works would have on the lands.

JOHN SULLIVAN was called, but did not appear.

Mr. Parfey.] The annuity is very heavy upon this property, nearly 13s. an acre, and it comes very near the estimated annual value of the lands.

Mr. Le Fèvre.] Is the extent of land set down as drained and improved correct, 198 statute acres?

Mr. Parfey.] No, sir, there are not 198 acres subject to floods.

Mr. Le Fèvre.] Is it subject to injury from the water?—The Schedule does not state that that quantity of land is liable to floods. What it states is, that that is the extent which would be improved by the contemplated works. There may be land saturated and injured by the water, though not actually covered.

Mr. Parfey said he would wish to question Mr. Lynam on this point.

Colonel M'Kerlie.] We will examine Mr. Lynam presently. As I understand you, you object to the proposed charge as excessive, and you also say that you receive injury only from the summer and harvest floods, and you would prefer to retain the winter floods.

Mr. Parfey.] Yes; and I also object that 190 acres are set down in the Schedule, whereas there are only 30 or 40 acres liable to flood.

Colonel M'Kerlie.] That will be easily ascertained by reference to the map. Where is the land?

Mr. Parfey.] It is not quite a mile from Banagher.

Colonel M'Kerlie.] Is it above Counsellor's Ford?

Mr. Parfey.] It is at this side of Counsellor's Ford. If you could preserve the winter floods, while preventing the summer and harvest floods, that would be what we require.

Colonel M'Kerlie.] That might be practicable, provided all the proprietors and occupiers were of the same opinion. The difficulty would be to please those who are of an opposite way of thinking, and wanted the winter floods to be prevented. I may mention, as you have referred to the weir, which it was supposed increased the height of the water

In 1861, you are a little incorrect in the impression that the mere removal of the top of the weir would afford any effectual relief.

Mr. Parsons.] Perhaps not, as regards the general district; but I believe I was correct with regard to the immediate locality.

Mr. LYNNAM was then sworn.

Mr. Parsons.] Do you recollect the drainage works which were carried out on the townland of Kilkeelchon by Mr. Drought some years ago?—Mr. Lynnam. No, I don't know anything about it.

Mr. Parsons.] I wish to remark, and I am sorry I have not your evidence to support me, that a portion of that property was drained some years ago in a most efficient manner?—Mr. Lynnam. I think we would not have neglected to take that into account if we saw it.

Mr. Parsons.] Had anyone with you when you visited the lands, for unless you had some person to show it to you, you might not observe, for the drains are all covered in most cases?—Mr. Lynnam. We had not anyone. But I think if there had been drains in the land we would have noticed them, even if they were covered. I will look at the locality again this evening or to-morrow, and if I see any reason to modify my former calculations, I will mention the matter to the Commissioners.

Mr. Peany said the next case was that of Mr. J. S. Brereton, page 34 in Schedule.

"I, Simpson H. Brereton, of Clongowes, in the county of Tipperary, do lodge the following objections to the proposed Shannon drainage.

"1st. Over-valuation. 2nd. My lands being five miles from the Shannon, and bounded by the Pallas and Brusna rivers, both of which overflow their banks, will derive no benefit from this drainage until the Brusna is opened into the Shannon, or both put under the one drainage. Since the Kinnity and Brusna rivers have been drained, both join at this side of Riverstown Bridge, and flood all before them, the Brusna not being able to take the water. 3rd. I object to the hundreds of acres of land lying between mine and the bridge at Riverstown being exempted, as, if I am supposed to be benefited, they will derive as much aid, and if included, will lessen the cost.

"Dated 28th day of January 1875.

"E. Hershey, Esq.,  
"Office of Public Works, Dublin."

Mr. Brereton was sworn, and said: I appear in support of that objection, and what I chiefly desire to point out to the Commissioners is, that we are not suffering from the Shannon waters at all. There is not a drop of Shannon water comes to us, either winter or summer. It is the mountain flood comes to us from the River Brusna. We are five miles from the Shannon, and the waters that come to us are from the Brusna and Kinnity rivers, so much so, that we are often flooded when the lands below us, between us and the Shannon, are not covered at all, and remain uncovered for nearly a day afterwards. I therefore do not see why we should be included in this assessment. Our land certainly wants to be improved, but that can only be done by taking it as a separate district. The principal part, the Kinnity part, has been already done, and brought as far as into Lord Rosse's demesne. Before that was done, the water used not to come down on our lands at all so frequently, or in such quantity as it has done since. Before that time, the floods would not reach us until nearly a day, or more, after the lands above had been covered, but since those drainage works were carried out, we are flooded much oftener; and the lands for five miles above me are flooded even worse.

Mr. Le Fanu.] Does the Shannon affect you at all?—Mr. Brereton. No, sir.

Mr. Le Fanu.] Does not the Shannon back water affect you?—Mr. Brereton. I never knew the Shannon back water to come over our land. I have never known it to come above Inch Island. It is the mountain flood that comes down, and does us no harm.

Colonel McKeirnie.] How far distant are you from the Shannon?—Mr. Brereton. Nearly six English miles; between five and six.

Mr. R. H. Kirwan.] May I suggest, sir, that as my own case, and that of several other properties, are similar to that of Mr. Brereton, if our evidence were all brought forward together, it would save time.

Mr. Brereton.] I think it would. Mr. Kirwan's land is next above mine, and we are similarly circumstanced. I represent also two tenants of mine. There is a person here from Ballyoughter, who can prove the Shannon water does not come up to him.

Mr. Le Fanu.] Is Inch Island in the Brusna river?

Mr. Kirwan.] It is separated from the county Tipperary by the Brusna.

Mr. Le Fanu asked Mr. Brereton how far below Inch Island the Shannon floods came?

Mr. Brereton.] I cannot swear that positively, sir.

Mr. Le Fanu.] But you are sure they never reach you?

Mr. Brereton.] Oh, certainly not, sir. I can prove that they do not come up ever as far as Ballyoughter.

205.

Banagher Inquiry. Colonel M'Kerlie.] The question for us to consider is, have you the power to drain your lands effectually without reference to the Shannon?

Mr. Brereten.] It will be proved that from the new bridge at Annagh, on Mr. Kinahan's property, we have ten feet fall to the Shannon. Mr. Kinahan's is the next townland above mine, and Ballymaghtor is below me.

Mr. Annan.] You are at the other side of the Pallas river?—Mr. Brereten. Yes, I am between the two rivers, the Bussan and the Pallas. The Pallas does me more harm than the other.

Colonel M'Kerlie.] Were not the drainage works to which you have referred completed 15 years ago?

Mr. Brereten.] No. Lately they have done the Roscrea side of it to Rivesetown Bridge.

Colonel M'Kerlie.] Has it ever been contemplated to enhance this district in the local drainage works?

Mr. Brereten.] It has, sir, within some time past.

Mr. Kinahan.] The standing obstacle against it was, that Lord Rosse refused to join the scheme, because of the Derrallagh mills, which are in the centre of the lot; since that we have been trying to get up a separate district from Derrallagh down to Moate.

Colonel M'Kerlie.] Would the lands we have now under consideration form part of that district?

Mr. Kinahan.] These lands would form part of the lower Bussan district; but if we are taxed to pay for the drainage of the Shannon we will not have any money to do our own work, and we will be flooded just as bad as ever.

Colonel M'Kerlie.] You agree with Mr. Brereten that the drainage of the Shannon will not relieve you?

Mr. Kinahan.] It will not.

Mr. Brereten.] Major Graves has always been willing to join in any scheme that will relieve us from the floods; but it is evident to anyone who sees the locality that the waters that flood us come down from the mountains, and that the Shannon water never comes near us at all.

Mr. Annan.] I have known that river since I was a boy. The ordinary flood comes up to Ballinagh; above that there is a ford under Major Graves' mill; it is called the Ballinagh ford.

Mr. Le Poer requested Mr. Kinahan to mark on the Ordnance map the point to which the Shannon floods reached. (Mr. Kinahan did so.)

Colonel M'Kerlie.] The question is whether these lands are entirely comprised within the scope of the improvement supposed to arise from the lowering of the Shannon waters, or not. That is altogether a question of levels, and I do not see that we can properly deal with the master, without a good deal of further inquiry, to ascertain what those levels are. We must have the matter looked into before we can say whether the whole of this portion should be struck out or not.

Mr. Le Poer.] Whatever portion we find on investigation has a fall of its own will be struck out.

Colonel M'Kerlie.] Certainly; if it has a fall of its own, and is not subject to the Shannon floods.

Mr. Kinahan.] I have witnesses here to prove that before the upper drainage was opened, we had no floods at all on my cousin's property. The only flood of which I can find any record, was one that occurred in 1836; that is the only flood on record as having taken place on those meadows before those drainage works were entered on. But after the upper waters were opened; first there was the Kenacutty drainage. That sent us down large floods; and since that, there has been the Roscrea drainage, and then we have had little, Willington's on the other side, and Mullahy's drainage above that again.

Mr. Le Poer.] Are you flooded every year now?

Mr. Kinahan.] For the last three years, we have been flooded. I cannot say that we are, or would be, flooded every year; because according to the cyclone, we should have dry years now, and I am certain we will have dry years.

Mr. Le Poer.] The deduction from what you and Mr. Brereten have stated is, that the floods to which you are subject do not arise from the Shannon, but from the waters brought down from the mountains?

Mr. Kinahan.] Yes, we have nothing to do with the Shannon directly; of course, indirectly, we might.

Colonel M'Kerlie.] You say that you think that indirectly you would be affected by the drainage of the Shannon?

Mr. Kinahan.] Yes, of course indirectly; every tributary would have an interest in its main river.

Colonel M'Kerlie.] In what way?

Mr. Kinahan.] Because we would have a better outfall. At present we have only an outfall to Ballinagh. Of course, if the Shannon was 20 feet lower than it is, we would have more scope. We have only about five feet more; if the Shannon were lowered, we would have more. But at present, while the state of the Bussan and Pallas rivers continues as it is, we have nothing to do with the Shannon drainage.

Mr. James Enright.] I am interested in this question also.

Colonel M'Kerlie said the case of all the lands on the Bussan river would be inquired into along with Mr. Brereten's and Mr. Kinahan's.

Mr.

Mr. Kinahan.] There are the cases of Mr. O'Bryan, Mr. O'Hara, Mr. O'Conor, Mr. Baugher Inquiry, Neelahan, and others.

Mr. Breerton.] I wish also to call attention to the amount of the assessment on my property, which I consider excessive. The present actual value of the portion of my property which it is said to be imposed by the proposed works is 46*l.* a year, and taking that at 20 years' purchase would make its gross value about 920*l.* The proportion which I am assessed is 1,035*l.*, which is more than the value; but for the purpose of paying off that sum, I am to pay a rentcharge of 50*l.* 6*s.* for 35 years, which would amount to 1,750*l.*, and would be more than the fee simple of the whole land by 754*l.*

Mr. Le Fesse.] That is the fee simple of the land in its present state?

Mr. Breerton.] Yes. By the time I had paid it off, I would have paid 754*l.* more than the actual value of the land.

Mr. Le Fesse.] That is in the present state of affairs; but supposing the Shannon works carried out, and assuming (which is what we intend to inquire into) that the result of those works would be to relieve your land from flooding and saturation, your lands would be worth 1,000*l.* more than their present value.

Mr. Breerton.] Yes, but I am to pay 1,750*l.* for it.

Colonel M'Keele.] That is caused by the interest of the money during the 35 years, and might be got rid of by paying off the amount at once.

Mr. Breerton.] I might not be able to do that conveniently; and if the rentcharge remained on the land, it would impose a burden of 50*l.* a year on it, in addition to the present outgoings. No one would buy it if it were subject to such a charge as that.

Colonel M'Keele.] If the effect of the drainage works was to improve the land, of course that improvement would enhance its value to a purchaser. It would sell for the increased value. If it is now worth 50*l.* a year, and if the improvement increases its value another 50*l.*, it would then be worth 100*l.* a year, and if it brought 20 years' purchase, that would make 2,000*l.*

Mr. Breerton.] But it would be subject to a rentcharge of 50*l.* a year: you would not get 2,000*l.* for it, if it were subject to that.

Colonel M'Keele.] That would be paid off in 35 years.

Mr. Kinsella.] I apprehend the great point of our case is the non-necessity of any Shannon drainage for us. We are about 12 or 15 feet higher than the Shannon, and provided we had our tributary drained, and a few bars removed, we would be independent of the Shannon drainage altogether. Our floods come not from the Shannon, but from the mountains.

Mr. Breerton.] I would wish, gentlemen, to offer you some evidence as to how these lands are circumstanced, and to show you that the Shannon water does not come up to them.

#### TERENCE O'BRETTEN, sworn.

Mr. Breerton.] You live at Ballyoughter?—Yes, sir.

Have you known these lands long?—I have, sir, for over 30 years.

Did you ever know the Shannon back-water to come up on Ballyoughter?—I never did.

Would it be an impossibility?—I think it would.

Colonel M'Keele.] Your opinion is, that the level of the Shannon water never comes up to your lands?—No, sir; what water covers our lands comes down to us from the mountains, and it floods us before it reaches the Shannon or the lands below us. It is after we are flooded that the water passes down from one to the other.

Is the state of things worse now than when you first knew the locality?—It is, sir, in a measure. The rivers that have been drained above us bring the waters down in a gush upon us.

Before these tributaries were opened up under the Drainage Acts, were the lands you refer to, as subject to floods as now?—No, sir; the summer floods did not come in such a gush as now.

Mr. Breerton.] Since the Riversdown drainage was completed it comes in a torrent on us.

Colonel M'Keele.] How far up do you consider the Shannon floods to come?—(Witness.) I do not consider the Shannon floods come up beyond the ford Mr. Kinsella mentioned. It is my opinion that they do not reach further than that.

Mr. Kinsella.] As a general rule, the tenants on the riverside do not mind, if the Shannon water does not come up to them, how far it comes up; if it does not touch themselves, they take no interest in the lands below.

#### PATRICK NOLAN, sworn; Examined by Mr. Kinsella.

How long are you living at Ballinagh ford?—I am living convenient to, since I was born.

How far up does the Shannon flood come above you?—I could not tell; I don't know the level of it. I know sometimes we have 5 or 4 feet of water; that would extend a good distance

*Banagher* [say] distance up the feed; but then the Shannon flood obstructs the river water from coming down.

Mr. Kinsella.] Below the ford the Shannon water comes?—Yes; and when high floods come they would extend above it.

Do you know how high the Shannon will come; will it come up above Mr. Graves' place?—I could not exactly tell, for I don't know what level there is from the bridge to the ford; I know we have 3 feet of water often where I live and sometimes 4.

Colonel M'Kerlie.] Where is that?—Redwood Callow, sir.

PATRICK LARKEN, SWORN; Examined by Mr. Brewerton.

WHERE do you live, Larken?—At Newtown, sir.  
Is that below our land?—Yes, sir.

On the King's County side?—Yes, sir.

Where do the floods come from, in your opinion?—From the mountains; it often floods us when there is no flood on the Shannon.

Do you remember cutting your meadows when we were flooded?—I did, sir. In 1873 we cut our hay and saved it, and I saw floods on part of Mr. Brewerton's property while we had none, and there was no flood below us.

Mr. Le Poer.] Did the back-water of the Shannon ever flood you?—Never, sir, but on one windy night in 1839.

Mr. Earle.] Have you ever known yourself to be flooded, and the Shannon not flooded?—I did.

And have you known the lands above yours to be flooded while yours were free?—I did, sir; I often saw them flooded at Newbridge before we would have any water on our lands.

Colonel M'Kerlie.] You live at Newtown?—Yes, sir.

That is about three miles from the Shannon?—Yes, sir, about that.

Do you remember the winter of 1853?—I suppose I do, sir; but I didn't remark that year in particular.

The floods in that year were the highest on record; in December 1852 and January and February 1853. Do you remember these floods?—Of course I do, sir, but not to pass any remark on them.

That was before the upland drainage took place. Now, do you remember whether these floods reached you?—I never saw a flood reach up from the Shannon to flood our land. When we receive a flood it is from a few nights' rain, or a few days' rain; that brings it on us from the mountains. At the same time when the floods come, we are never relieved from them until we get a couple of days' fair weather, so that the water can be carried away gradually, for the river is not able to take it off.

Colonel M'Kerlie.] Mr. Lyman, what opinion have you formed in reference to this district, and as to the point which has now been brought forward?

Mr. Lyman.] I boated up that river several times, and down again; I did not see the floods myself, as I did not happen to be there at flood time. Further than the island which has been spoken of, I did not see the water above that. The contour line was laid down on the Ordnance map, by the spirit level, by the engineers who made the survey on which Mr. Brevington and my valuation was based, and as far as I had an opportunity of examining that contour line I found it to be correct; but I was not on the lands at a time when they were flooded, and not having examined them then, and having heard the statements which have been made to day by parties who are familiar with the locality, I would not say but there might be some mistake.

Colonel M'Kerlie.] Then you think the matter is a proper one for inquiry?

Mr. Lyman.] I do, sir, after what those gentlemen have stated.

Mr. Kinsella.] I am perfectly sure that when we are flooded it is not from the Shannon at all.

Mr. Le Poer.] A flood might come down from the mountains and cover your lands; that is quite possible, and at some other time when the Shannon was flooded, the Shannon might throw back-water on you. The two things are distinct.

Mr. Kinsella.] Quite so; I remember the flood the witness alluded to awhile ago, when the Shannon water was blown upon us.

Mr. Lyman.] In what year was that?

Mr. Kinsella.] In 1851.

Mr. Brewerton.] The flood covers my land at this moment, from the Pallas river.

Mr. Lyman.] That is an important fact; there is one matter I wish to mention. When I made the valuation of those lands in 1867, there was a small island there, which I understand has been since that time cut away.

Colonel M'Kerlie.] We will have the levels carefully checked, and the contour line marked at the ordinary winter flood level of the Shannon; that will show what should not be included in the lands to be assessed for the Shannon drainage; all that is above that level will be struck out, and all below it will be included.

Mr. Brewerton.] Will there be any further notice sent to the parties concerned?

Colonel M'Kerlie.] If possible, we will have the necessary inquiry made before the time to

to which we have determined to adjourn to Athlone, the 19th of this month; and we hope to be able to communicate the result to you on that occasion.

Mr. *Bererton.*] Will we have to go to Athlone? Remember it is 20 miles from us.

Colonel *McKerlie.*] Some of the parties who reside along this part of the Shannon expressed a wish that we should hear their case at Athlone instead of at Banagher; I do not think it will be necessary that all the parties who are interested in this question of the Brana, should come to Athlone on the 19th instant. If you will name some one gentleman to whom we can communicate the result of our inquiry, I think it will be enough.

Mr. *Kinchin* said, if you would communicate with Mr. *Bererton*, sir, I think the will do.

Colonel *McKerlie.*] Very well; we will communicate the result to all the parties interested.

Mr. *John O'Meara.*] Gentlemen, I am concerned in a case which is set down for hearing at Portumna on Saturday, but it would be a great convenience to me if you would allow me to mention it now.

Colonel *McKerlie.*] Very well, what is the name of the case?

Mr. *Penny.*] Mr. *John O'Meara*, page 36 in Schedule. The name is printed there as *William Meara*.

" Somerset House, Leix, Roscrea,

" January 1873.

" Sir,  
I beg to give you notice that I object, as owner and occupier of that part of the townland of Ballymacegan, parish of Leix, and barony of Lower Ormond, mentioned in page 36 of the Valuation Schedule, lately published in connection with the Act to improve the drainage of the Shannon (numbers 1 and 4 Ordnance maps, No. 13 reference on ditto) to the proposed works, and for which the name *William Meara* is inserted in place of mine.

" E. Hornby, Esq., Secretary,  
" Board of Works, Dublin."

" I am, &c.  
(signed) " *John O'Meara.*"

Mr. *O'Meara.*] I appear in support of that objection. I find I am assessed at 39 £. 1s. 5d. annually on 103 statute acres of Ballymacegan, and my belief is, that the proposed lowering of the Shannon would injure me by depriving my lands of the winter irrigation. My callows are of a peaty nature, not a deep soil, and the substratum is a white marl; and I am inclined to think that if the water was taken away, the land would get too dry, and the herbage would perish.

Mr. *Le Fanu.*] Do you think that, relatively to other lands similarly situated, your lands are overcharged?

Mr. *O'Meara.*] I could not give an opinion on that.

Colonel *McKerlie.*] You think the proposed works would do you an injury?

Mr. *O'Meara.*] Yes; I think their effect would be a positive disadvantage to me.

Mr. *Le Fanu.*] Where are these lands?

Mr. *Mallig* (local engineer).] They adjoin, or nearly adjoin, the lands of Mr. *Butler Stoney*.

Mr. *O'Meara.*] I believe the lowering of the Shannon would be a positive injury to me. The callows along there are of a light surface with a substratum of white marl, and my experience has been, that the more water they get in winter the more productive they become the following summer. Where lands of that sort are deprived of water they become valueless; the top stratum gets quite loose and blows about, and the herbage perishes.

Colonel *McKerlie.*] Is there no clay on it?

Mr. *O'Meara.*] No, sir, on one little portion of it there is; but, generally speaking, the soil is of the character I have mentioned; I think the Shannon inundations are very useful to it; they act as a fertiliser.

Colonel *McKerlie.*] Do you think the deposit from the Shannon mixes with the peat?

Mr. *O'Meara.*] Yes, sir; the result is that the lands are very valuable in their present state; they are worth from 5 £. to 8 £. an acre; they are perpetual meadow.

Colonel *McKerlie.*] Have you them entirely in meadow?

Mr. *O'Meara.*] No, sir; I graze some of them; I fatten beefers in part of them.

Mr. *Lynam.*] Provided the food does not come before the October fair, you are all right; but if it come before that time I fear you have to take the cattle away.

Mr. *O'Meara.*] I am happy to say I have escaped very well hitherto.

Colonel *McKerlie.*] As regards the extent of the lands set down in the schedule, have you any observations to make?

Mr. *O'Meara.*] No, sir; I presume that is all right.

Colonel *McKerlie.*] Mr. *Lynam*, have you any information to give us with reference to these lands, and the effect of the proposed drainage works on them?

Mr. *Lynam.*] I made an estimate of the value of the improvement that would result to these lands from the proposed regulating of the waters in the year 1867, and I was in the neighbourhood last Monday, and saw the lands. I believe the valuation which was made in 1867 by Mr. *Brassington* and myself is correct, both as regards the extent and value.

Banagher Inquiry. value. I believe, if the lands were preserved from saturation and summer floods, they would be improved to that extent.

Colonel M'Kerlie.] Relatively to other lands, the assessment is correct.

Mr. Lyons.] Yes.

Mr. O'Meara.] There is another remark I wish to make : the lands are put down in the schedule as containing 102 acres 20 perches, and their present value is put down at 66 £ ; that is quite too little ; 500 £. would be nearer their real annual value ; and I am doubtful of the possibility, by any means whatever that could be adopted, of making them more valuable than they are at present ; I don't think, from the sort of lands they are, that it would be possible to improve them.

Mr. Penry.] The next case is that of Mrs. Burdett, page 14 of Schedule ; also, that of Mr. Arthur Burdett, in the same page.

" Banagher, Monkstown, County Dublin,  
" 25 January 1875.

" Shannon Drainage.

Sir,

" I, as one of the riparian proprietors of land on the River Shannon, hereby object to the carrying out of the proposed works. The lands which are my property are scheduled as belonging to J. H. Burdett.

" I am, &c.

" E. Hornsby, Esq., Secretary,  
" Office of Public Works, Dublin."

(signed) " Adelaide L. Burdett."

" Banagher, 25 January 1875.

" Sir,

" Shannon Drainage.

" I, the undersigned, one of the proprietors of land which will be charged with a proportion of the expenses of the drainage of the Shannon, object to the prosecution of the intended works.

" I am, &c.

" E. Hornsby, Esq., Secretary,  
" Board of Works, Dublin."

(signed) " Arthur Burdett."

Colonel M'Kerlie.] Does any one appear in support of these objections ?—(No reply.)

Mr. Molloy.] Mr. Burdett lives in the neighbourhood.

Colonel M'Kerlie.] Where does he state his objection from ?

Mr. Penry.] From Banagher.

Mr. Penry.] Mr. Burdett is, I think, in England ; I have heard nothing from him on the subject.

Mr. Penry.] The case next on the list is that of Mrs. Charlton, page 14 of Schedule.

Mr. Lyons.] You agreed to bear that case when you met again at Athlone.

Mr. Penry.] The next objection is by a number of persons :

" Take notice, that we and each of us feel ourselves respectively aggrieved by the assessment of 1,589 £ 11 s. 4 d., or so much thereof as affects us, under the Shannon Act of 1874. We and each of us do hereby appeal therefrom, upon the following grounds : namely :—1st. Our lands being three miles from the Shannon, and on the side of the River Bremna, can derive little or no benefit by the drainage. 2nd. On the grounds of excessive taxation. 3rd. The total drainage of our collows would cause considerable loss and injury thereto. And we and each of us shall attend on the 4th day of March 1875, at Banagher, before the arbitrators to prosecute our said appeal. 30 January 1875. Patrick Cleary, Edward Cleary, Ann Walsh, John Coakley, Patrick Densie ; all tenants of the lands of Cooleas Barony, of Lower Ormond, and County of Tipperary."

Colonel M'Kerlie.] Are any of those persons here ?—(There was no reply.)

Mr. Lyons.] Their lands are similarly circumstanced to those of Mr. Brereton and Mr. Kinahan ; and I presume they went away when they found that the Bremna cases were to be mentioned again on the 19th.

Mr. Penry.] The next objection is that of Mr. Edward Dolan, page 16.

" Sir,

" Banagher, 27 January 1875.

" As tenant of a portion of the Radcliffe property in the barony of Garrycastle and King's County, I beg leave to lodge my protest against the contemplated improvement in the drainage of the River Shenna. By no means do I consider that it would tend in the slightest degree to the benefit of the lands in my possession, and set forth in your Schedule.

" Yours, &c.

" The Secretary, Board of Works,  
Dublin."

(signed) " Edward Dolan."

Mr. DOLAN was sworn.

The objection I have to make is that my land does not require any protection from the Shannon. I know the land these 50 years, and have had them in my own possession for a long time, and I do not find that they are injured in any way by the floods. It is my impression that if the floods are taken away it will only make the lands of less value than they are now, for I find that the lower portions of them which are covered by the Shannon water, are worth £1 an acre more than the upper portion, which is not flooded. I get £1. 6*l.* 5*s.* a year per acre for the meadow of the lower part; and I could not get more than £1. 5*s.* for the portion which is not covered by the water. It is also my belief that the lower part of the land produces the best herbage and the best kind of vegetation. The portion that does not get the benefit of the winter flooding of the Shannon produces a shorter and coarser description of grass. I believe if the Shannon water is taken off those lands in the winter they will not be half as valuable as they are at present. That is my impression, and I know those lands for 50 years. I object to the proposed works, as I don't think they would in any way tend to my advantage. There is a master I have to complain of, if I could be relieved from the trouble caused by the drain that was made there by the Board of Works. It comes on me sometimes in the month of August, and does me harm, more harm than the Shannon could do.

Mr. Molley.] Is that the Coolcough drain?—Mr. Dolan. Yes; it is a covered drain near half a mile long, and it is filled with stuff, so that the water won't pass through it. I often had to complain of it; the land is injured by it. It is filled with stuff to the amount of two feet. I got a young man to go through it, and examine it. In the spring the water from it is always cold and has the land impoverished.

Colonel M'Kerlie.] You think the Shannon water is more fertilising and beneficial to the land?—Mr. Dolan. I do, sir. The Shannon water does my land no harm at all, but quite the contrary; it fertilises the land, and renders it more productive. But the Shannon never comes on that part of the land.

Colonel M'Kerlie.] Does the Shannon flood it?—Mr. Dolan. It does not, sir; the Grand Canal is between them. The Shannon does not come over it at all. This land I speak of is at the other side of the county.

Colonel M'Kerlie.] You say that the portion of your land that is covered by the Shannon is benefited and not injured by the floods?—Mr. Dolan. I do, sir; that is my belief. The land that is by the river is improved and rendered more productive by the river water flooding it by winter. That is my experience of it, and I know it there 50 years.

Colonel M'Kerlie.] The water during a long period of the year comes up very nearly to the level of that land?—Mr. Dolan. Well, sir, I never saw it flooded but in one year, that was in 1861. I had 108 acres of hay in the water in that year after 24 hours' rain.

Colonel M'Kerlie.] Is the water higher at the present moment than it was at this time last year?—Mr. Dolan. I think it is not, sir. I think it has gone out a little within the last 10 days.

Mr. Lyman.] I think we are not charging the land Mr. Dolan has been speaking of at all. We charge no lands that are outside the canal.

Colonel M'Kerlie.] I asked whether the water is higher now than it was at this time last year, and you have said it is not. Do you remember Mr. Lyman being there about this time last year, and you pointing out that land to me as being very much injured by the flood.

Mr. Lyman.] No, sir; the land I pointed out to you was some of Mr. Ruthven's. I must say I do not yet understand fully what it is Mr. Dolan means; what land do you refer to?

Mr. Dolan.] The lands of Lavanagh.

Mr. Lyman.] Is it below the mill?

Mr. Dolan.] No, sir; it is up, to the chapel from the mill.

Mr. Peppin.] It is not charged at all.

Mr. Lyman.] That land is not charged; we have not charged any land that is at the other side of the canal. I know very well where the gullet is under the canal. That land is not charged.

Colonel M'Kerlie.] We are quite aware it is not.

Mr. J. F. Finn.] Mr. Dolan knows that too; he is aware that land is not proposed to be charged for the drainage works; he only complains that it is flooded in consequence of the drain.

Mr. Dolan.] Yes, sir. It is not from the river it is injured at all, but from the drain.

Mr. Lyman.] The land you complain of; is it between the river and the canal?

Mr. Dolan.] The canal comes between it and the river.

Colonel M'Kerlie.] It is right to mention that this has nothing to do with the subject of our present inquiry at all. Mr. Molloy, however, will look at the drain, and see how far what Mr. Dolan complains of can be set right. Now, as to the lands which you hold, and which are proposed to be included in the assessment. We saw these lands last year, and they were pointed out to us as being injured very much by the Shannon floods.

Mr. Dolan.] Well, sir, it is not.

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Mr. .

Banagher Inquiry.] Mr. Le Fay.] On the contrary, you say the crops on the lower portions of the land are the best.

Colonel M'Kerlie.] I understand your case to be this: that, provided you are not injured by summer floods, you think the more water you have in winter the better; is that so?

Mr. Dohm.] Yes, sir.

Mr. Parefay.] I am the agent of that property, and if you would hear my objections now, it might save some trouble.

Mr. Penny read the objection which had been lodged by Mr. Parefay, as follows:

" Sir,

" As agent to J. Radcliffe, Esq., and by his instructions, I beg leave to lodge with you his dissent from the improvements contemplated to be made in the drainage of the Shannon, whereby it is supposed that portions of his estate in the King's County, Barony of Garrycastle, would be benefited. Mr. Radcliffe is of opinion that, if the islands in the Shannon, a material portion of his property, were deprived of the winter flooding to which they are liable for ages past, they would be thereby deteriorated to one-half their present living value; and has prepared to produce the most satisfactory evidence in support of the correctness of this opinion. At the same time, he submits a portion of the property, containing about 80 acres, would be benefited if secured from the autumnal floods to which it is occasionally liable; but the protest against an attempt at improvement, uncertain in its results, the expense of effecting which would amount to about the fee-simple value of the lands so intended to be improved.

" Banagher, 27 January 1837.

" The Secretary, Board of Works,  
" Customs House, Dublin."

" I remain, &c.  
(signed) " *Brinsley Parefay.*"

Mr. Parefay.] In this case the islands contain 80 acres 1 rood and some perches. They are surrounded by the Shannon, and are perpetually liable to winter floods. These floods disappear generally in the latter end of March or April; and they yield a most rich and abundant herbage, setting it at 6*L*. to 6*L*. 10*s.* per acre. It is difficult to conceive how they could receive benefit if deprived of the flooding which causes them to yield this rich meadow. On the contrary, I believe, from my own experience, and from the evidence of older persons than myself, that they would be deteriorated to about half their value by being deprived of the floods in winter. We therefore oppose that portion of the drainage scheme which contemplates the doing away with the winter floods. With regard to the remainder of the lands, there are probably between 80 and 90 acres of meadow which might be benefited by the prevention of autumnal floods; but the cost at which that object would be effected, would be the imposition of an annual rent-charge of 14*L*. 2*s.* 10*d.* a year for 35 years; being an aggregate sum of 5,114*L*. 10*s.* 2*d.* That is a frightful prospect to lay before any landed proprietor, to subject his property to a burlesque like that. On these grounds we are not disposed to countenance the proposal with favour. I do not mean to say that these observations apply in general to the property along the course of the Shannon, but they do most certainly apply to the property which is now under consideration. If you look at that table-land you will see it is bevelled at each side; it is raised some 20 or 30 feet above the level of the Shannon, therefore the drainage of the Shannon, as proposed, would not improve the body of the property; all it could affect would be the bevelled sides. Mr. Radcliffe is altogether opposed to the idea of attempting improvements which would entail such an enormous expense as 5,114*L*. 10*s.* 2*d.* to his property. There is a very intelligent witness here, Mr. Edward Dolan. You have partly heard his evidence already. He is familiar with the land for half a century.

Mr. Dolan.] I am, and longer.

Colonel M'Kerlie.] Is the ownership of the property correctly stated in the schedule?

Mr. Parefay.] Yes, it is correct now.

Colonel M'Kerlie.] Where are the islands mentioned?

Mr. Parefay.] There are four mentioned in page 18 of the Schedule, and one in the previous page.

Colonel M'Kerlie.] Are these lands specially liable to summer and autumn floods?

Mr. Parefay.] Only occasionally; I have seen them flooded in summer.

Colonel M'Kerlie.] Are they not more subject than other lands to autumn floods?

Mr. Parefay.] No.

Colonel M'Kerlie.] Do not slight summer floods pass over the islands?

Mr. Parefay.] No, sir.

Colonel M'Kerlie.] Would not a moderate summer flood cover Mackinish Island?

Mr. Parefay.] I don't think it would. At the Galway side the lands are lower than on this. I think the other lands would be flooded much sooner.

Colonel M'Kerlie.] Do you know the lands at the opposite side of the Shannon?

Mr. Parefay.] I know them well.

Colonel M'Kerlie.] Are Mr. Radcliffe's lands as subject to floods as these lands are?

Mr. Parefay.] I think not so much.

Colonel

*Colonel M'Kerlie.*] Mr. Lyman, can you tell us your opinion as to Mr. Radcliffe's Banagher property, lands, and their capability of improvement?

*Mr. Lyman.*] Parts of the islands are somewhat higher than the neighbouring alluvial meadows, and less liable to flood; but other parts of them are low. Ballymacosughan is particularly low, and is flooded before any of the other lands. The land of the islands is exceedingly good; the quality of the hay is very good; and the quantity is large; but the flood coming on it does a little injury, and, therefore, we had to put a valve upon it with that view.

*Mr. Dales.*] We find the lowest part of the islands always produces most meadow.

*Mr. Lyman.*] The lower part certainly produces a greater quantity of hay; but it is not so good in quality, and it is more liable to damage. I don't know that I have anything else to say, unless there is something you please to ask me.

*Colonel M'Kerlie.*] Is the valuation you put on those lands relative?

*Mr. Lyman.*] It is; I know the lands very well, and I think it is quite relative with the rest, both as to acreage and value.

*Mr. Parsfay.*] How much would you suggest that the drainage would improve the islands?

*Mr. Lyman.*] Well, there is one thing that does them a great deal of harm, that is, the ground being kept so long wet during the spring. I have frequently seen them in different years; and, even though not covered, the water is so close to the surface that it is cold and perished until, perhaps, the 1st of May; and, even in that way alone, there would be a material improvement to the land in consequence of the lowering and regulation of the Shannon waters, in addition to the benefit gained by the prevention of autumn floods.

*Mr. Parsfay.*] Might you not thereby deteriorate the quality and yield of the hay?

*Mr. Lyman.*] No; on the contrary.

*Mr. Parsfay.*] These matters which you point out have existed from time immemorial, and yet we do not find them to affect the value of our property much. In the autumn of 1872 we had a very wet season, yet we had very fine hay crops; though, of course, if people did not use the exertion they should do to cut and carry away the crop, they would receive damage from the surface water. If they took away their crop in time they were safe.

*Mr. Lyman.*] The whole crop was destroyed by autumn floods in one year. That occurred within my own observation.

*Colonel M'Kerlie.*] It has been stated in the course of the agitation, if I may use that term, which has taken place in reference to this question, and repeated over and over again, how far coercively, we, of course, cannot say, that these summer floods, when they come over the land, render the hay worthless; that if the flood covers the crop before it is cut, the water leaves a deposit on it which injures it; and if after it is cut, the water remains on it so long that it rots the hay, and it becomes fit only for manure. After all, the matter just comes to this, that the proprietors must judge for themselves whether they will give their consent or not to the work being carried out. Everything rests with themselves. It does not appear to us that we can make many amendments or alterations in the scale of assessment proposed in the Schedule. There may be a few; for example, I think it probable that the question which has been raised to-day with reference to the Braha, may involve some alteration; but with regard to the great mass of cases which we have heard, there appears to us to be no reason for altering the valuation. It will simply be for the proprietors to consider whether they would receive value or not for the proposed assessments; and to give their assent, or withhold it, just as they think best.

*Mr. Le Fanu.*] Unless two-thirds of the proprietors give their assent, the work cannot go on.

*Mr. Pruey* said the next objection was that of *Mr. B. H. Coolahan*, page 14 of Schedule.

"Sir,

"I observe in the Schedule of the lands supposed to be benefited by the contemplated improvements in the drainage of the Shannon, that 50 acres of the lands of Cogran, in the barony of Garrycastle and King's County, belonging to me, are returned as chargeable with an annuity of 27*l.* 1*s.* for 35 years, for such improvements, if carried out; or, in round numbers, with a sum of 946*l.* 15*s.* to be expended simply upon a speculation of a doubtful result.

"Now, I beg leave to lodge with you my protest against so unjust and unreasonable an impost, and against taking any share, or having anything to do with such proceedings.

"Yours, &c.

"The Secretary, Board of Works."

(signed) "Brijoe H. Coolahan."

*Mr. Coolahan* was sworn, and said:—I hold under fee farm grant 63 acres of the lands of Cogran. A portion of these lands is flooded in the winter time, and it would be benefited to a certain extent by the removal of the floods, but taking into consideration what we would have to pay, I consider the value of the improvement would not come up to what we would be charged. There might be, in my opinion, about three or four acres of my land improved by the drainage, but the rest I consider would not.

Bangor Inquiry. Colonel M'Kerlie.] Are they meadows?—Mr. Cudahy. I have meadowed them some years, but I generally graze them; I have not meadowed them for the last 18 years.

Colonel M'Kerlie.] There are 50 acres set down in the schedule as capable of improvement.

Mr. Cudahy.] If the Shannon was run dry, sir, there would be no improved beyond about 18 Irish acres; that is all that is ever flooded. Colonel Bernard holds the land adjoining mine, and I am a tenant to him under fee-farm grant.

Mr. Lyons.] This land is close by the river near Meckinlay Island, next Mr. Radcliffe's land.

Colonel M'Kerlie.] It is stated that only about 18 acres would be improved.

Mr. Cudahy.] About three or four acres of moory land above the fallow land would be improved. There is a drain runs across between the fallow and the moory land; there are 17 Irish acres of the fallow land that the water comes over, and that it covers; I think if the water were prevented from sinking and wasting the moory land it would be an improvement, but it would not serve the fallow land to have the water taken away.

Colonel M'Kerlie.] You say you principally graze that land.

Mr. Cudahy.] I do, sir.

Mr. Lyons.] I know that land, but I am in doubt about the boundary between his part and Colonel Bernard's.

Colonel M'Kerlie.] They appear to be of the same quality.

Mr. Lyons.] They are; there are portions of them near the Shannon very low.

Mr. Cudahy.] Colonel Bernard holds near the Shannon also.

Mr. Lyons.] We have included some land there which is not flooded, but saturated.

Colonel M'Kerlie.] Have you seen these lands?

Mr. Lyons.] Yes, sir.

Colonel M'Kerlie.] Is your valuation of it relative?

Mr. Lyons.] Yes, sir; the valuations are as relative as I could make them.

Colonel M'Kerlie.] Do you see any reason to alter your valuation?

Mr. Lyons.] No, sir; I could not make any alteration.

Mr. Penny.] The next objection is that of Mrs. Susan Drought, page 14 in the Schedule.

"Sir,

"Bangor, King's County, 29 January 1875.

"I beg leave to lodge an objection against the annual charge of 3*l.* 8*s.* 4*d.* for 35 years intended to be made on the seven acres of land in my possession for improvements contemplated in the Shannon drainage, and in which I wish to take no part whatever.

"E. Hensby, Esq."

"Very truly yours,  
(signed) "Susan Drought."

Mr. Purfey.] Mrs. Drought's land at Kilnaglinny yields excellent meadow, which she sets at from 4*l.* to 5*l.* per acre. If the winter floods are taken away they will be depreciated in value to 3*l.* or 3*l.* 10*s.* per acre. That is what I think would be the effect of the proposed works.

Colonel M'Kerlie.] Do you admit that they would be improved?

Mr. Purfey.] I admit the contrary; I admit they would be reduced in value from 5*l.* to 3*l.* or 3*l.* 10*s.* per acre; nor would they even be value for that; but as they lie at the foot of the town they might be looked on as town parts, otherwise they would be deteriorated more.

Colonel M'Kerlie.] Being near the town, would their being relieved from floods make them available as town parts?

Mr. Purfey.] It would; but they would be deteriorated as meadow. She now gets 4*l.* to 5*l.* an acre for the meadow.

Colonel M'Kerlie.] Is it Mrs. Drought's opinion that the proposed works would deteriorate her property?

Mr. Purfey.] It is.

Colonel M'Kerlie.] There was a gentleman named Drought some years ago, who took an active part in promoting this question of the Shannon drainage; was he any relative of this lady?

Mr. Purfey.] I believe he was her husband.

Colonel M'Kerlie.] He made numerous strong representations of the great injury he sustained from the floods. Do you recollect that?

Mr. Purfey.] No, sir; I do not.

Colonel M'Kerlie.] Was Mr. Drought a magistrate?

Mr. Purfey.] He was.

Colonel M'Kerlie.] He was probably the most active agitator, I may almost call it, on this question of the drainage of the Shannon. It seems strange that this lady's views should be different from that of her husband.

Mr. Purfey.] Well, sir, the views of the proprietors still are, that if they could be relieved from the summer and autumnal floods, while preserving the winter floods, by some arrangement of sluices or dams, or something of that kind, which, according to the plan of Mr. Lyons, seems to be capable of being effected, they would be satisfied. But they are startled, and stand abashed at the tax which is sought to be imposed.

Colonel

Colonel M'Keele.] It appeared at the time of the former inquiry that there was only one serious summer flood that they could remember; that was in 1861. They drew no distinction between the summer and winter floods as regarded the injury done to the lands; they complained of both. Mr. Drought referred to a continuous injury from both summer and winter floods. Can you explain that?

Mr. Parfey.] I would just make this remark, that in recent years, inasmuch as the drainage of the neighbouring counties has been going on so rapidly, the volume of waters poured into the Shannon has been greatly increased, and consequently the summer flooding has been increased from the drainage of the surrounding counties.

Colonel M'Keele.] Perhaps it is a very natural impression for you to entertain, but it is an erroneous one, that the district drainage have had the effect of increasing the volume of water poured into the Shannon. It is quite true that a large number of drainage districts have been opened up, but careful records have been kept for many years, both before those drainage operations were commenced, and since their completion, of the height of the Shannon in the various reaches, and there is nothing whatever in those records to show that there has been any increase in the flooding. That is a positive fact. There is nothing to show that the district drainage operations have tended to increase the floods.

Mr. Parfey.] It is very satisfactory to know that, sir.

Colonel M'Keele.] I am sure that the impression is very generally entertained that the district drainage works have tended to increase the Shannon floods, but it is erroneous impression.

Mr. Parfey.] I may mention that in going a circuit of 30 or 40 miles from the Shannon, I found the interior of the country is getting dry, and in some places where there was never a deficiency of water, I find that in summer there is often not a drop of water to be had. Last summer I met Mr. Kane, who had been called in by Mrs. Locke, who owns the distillery; her water had failed, and he had been employed to remedy the deficiency in the supply.

Mr. Peavy said the next case was that of Major Graves, which was adjourned, Mr. Mitchell, solicitor, being engaged in support of the objection, and being unable to attend to-day.

Mr. Lyman.] He is on the Breena.

Mr. Peavy.] Mr. Mitchell is also on behalf of Mr. Henderson, a tenant. This case was also adjourned.

The case of the Earl of Rosse was also postponed.

The next case was that of Mr. Ruthven.

"Shannon Act, 1874, 37 & 38 Vict. c. 80.

"Sir,

"Under the above Act it is proposed to charge the property of William C. Birmingham Ruthven, Esq., as follows: 29, Illanaghlass Island, 13*s.* 5*d.* a year; Illanaskeshy, 3*s.* 4*d.*; Illanavezagagh, 4*s.* 9*d.*; Illannawater, 6*s.* 11*d.*; Incherky Island, 76*l.* 0*s.* 3*d.*

"I object to the above charge on the ground that the value of the lands will not be increased to that extent, or near it.

"Dated Loughrea, this 26th day of January 1875.

(Signed) "J. J. Madden,  
"E. Horshy, Esq." "Land Agents of W. C. Birmingham Ruthven, Esq."

Mr. Madden.] I attend in support of that objection on behalf of Mr. Ruthven; and while we should be very anxious that the drainage of the Shannon should go on, we cannot say that the lands would be improved to the extent of the assessment which it is proposed to put upon them. I would wish to put a few questions to Mr. Lyman on the subject. (To Mr. Lyman.) Do you know the Island of Inchery?

Mr. Lyman.] Yes.

Mr. Madden.] Do you believe it will be benefited to the extent of 17*s.* an acre by the drainage works?

Mr. Lyman.] I did not put so much value as that on the improvement.

Mr. Le Fava.] We do not state in the schedule that that is the extent of the improvement; we merely say that is the relative proportion of the sum of 130,000*l.* chargeable on them, relatively with other lands.

Mr. Lyman.] I know these lands for the last 20 years. I was agent over them at one time. Mr. Brasington and I made a very careful examination of them, for the purpose of this valuation, and we came to the conclusion that by the improvement consequent on the regulation of the Shannon waters they would be improved to the extent of 50*s.* a-year; and I think that was very near what we put on them.

Mr. Madden.] You don't think they would be improved to the extent of 80*l.* a-year?

Mr. Lyman.] Well, the drainage would effect a very great improvement; but I think that would be too high.

Colonel M'Keele.] Wheresoever are these lands?

Mr. Madden.] These are the lands that you and Sir Michael Hicks Beach were looking at

Banagher Inquiry. at last summer, sir. There is a bank there, you will remember, which we think has done us a great deal of damage. I beg to ask Mr. Lyman, does he think that the bank keeps the floods back on the land?

Mr. Lyman.] In my opinion it does. It has damaged the lands very much.

Mr. Madden.] If the land was banked up at the other end? If a bank of earth were raised at the other end, would that have the effect of keeping off the floods?

Mr. Lyman.] Yes, to some extent, I think the tenant, or owner, might make an embankment round part of the island, there being already part of the margin quite high enough; and if he completed that all round the island, and cut a small drain at the embankment we have now spoken of, it would free it. I had an idea at one time of becoming tenant of that land myself, and, if I had done so, I would have made the embankment I mention.

Mr. Madden.] Could that be done independently of these works?

Mr. Lyman.] Yes, entirely so.

Mr. Madden.] What would be the cost of it?

Mr. Lyman.] I think it might be done under 400*l.*; perhaps for 300*l.*

Mr. Madden.] Would it cost 1,600*l.*?

Mr. Lyman.] Certainly not. I am sure that an embankment could be made round Incherry Island for the purpose of keeping off the Shannon water, and that would only leave its own river water, which could be let out by a pipe, and it would not cost 500*l.*

Mr. Madden.] Then I will ask you this question; would the land be benefited to the extent of 17*s.* *an acre*?

Mr. Lyman.] I think the improvement might be worth that to an occupying tenant, for it is a valuable grazing ground; but as a valuation I would not put that sum on it at all.

Mr. Madden.] I won't ask you any further questions.

Colonel McKeirle.] This appears to be a very peculiar case, inasmuch as the owner of this land has the power of securing himself against the Shannon water by the embankment which has been spoken of.

Mr. Madden.] I may ask you this, Mr. Lyman; is there more land included as being injured than is actually injured by the Shannon water?

Mr. Lyman.] Oh! the outline is correct, and the acreable content is quite correct. You asking me that question enables me to correct what I said just now. I forgot to mention that this land is divided into two parts; there is a lower part that could not be embanked in the way that has been mentioned.

Mr. Le Fauw.] What portion of the 91 acres could be relieved by the embankment you have spoken of, and which you say could be done for 500*l.*?

Mr. Lyman.] Considerably more than half. On examining the map, I find that the lower part of the land is not charged, so that what I said first was right.

Mr. Le Fauw.] Then the entire of the land that is included in the assessment could be relieved by the construction of the embankment you have mentioned?

Mr. Lyman.] It would, sir, every acre of it.

Mr. Madden.] When were you on the island last?

Mr. Lyman.] I was there about this time 12 months, with the chairman and Sir Michael Hicks Beach, and pointed it out to them.

Mr. Madden.] Do you think if you went there again, you could, by examining the lands, see your way to correcting the assessment?

Mr. Lyman.] I would be very happy to go and visit the lands again, if it were necessary, but it really is not necessary. The Schedule is quite correct.

Colonel McKeirle.] The way the matter stands, as regards these lands, is this. If the works, as proposed under the Act of Parliament, were proceeded with, these lands would be relieved from flooding. Whether they are to be proceeded with or not, depends on the assent of the proprietors. It is entirely a matter for your discretion whether you will assent or not. I do not think that under the contemplated plan, your own improvement of the island of Incherry, by means of the embankment that has been mentioned, would be admissible. I apprehend not. Part of the scheme would be to open up the old channel, and to let sluices across it at the high point near Chancellor's Ford (or somewhere up there), and thus give a vent for the water by the old channel, and so relieve the other channel. If that were done, that land would be relieved from flood, and of course the embankment you speak of would be unnecessary; but if these works are not carried out, it would then be a question to consider what you could do for yourself.

Mr. Madden.] I consider the proposed assessment very high.

Colonel McKeirle.] That is entirely a matter for your own consideration.

Mr. Madden.] If you could alter it to such a reasonable sum as would be commensurate with the improvement we would not object.

Mr. Le Fauw.] That would apply to every case in the book. The same objection you make would apply to others.

Mr. Madden.] This, however, is a peculiar case.

Mr. Le Fauw.] It would be exactly the same as any of the others, except for the evidence which Mr. Lyman has given, that you could relieve yourself from flooding at a less cost.

Mr. Madden.] Yes, sir, I think you might take that into consideration.

Mr. Lyman.] As I am sworn to tell the whole truth, I feel bound to mention that the pipe drain which is here (pointing out the place on the map) is only 2 feet high by 18 or

20 inches broad, and in consequence of its smallness the water which comes in flood time takes over so long to come through it; it is too small, and the water is often kept back. It is a stone pipe outlet, only 2 feet by 18 or 19 inches.

Colonel M<sup>K</sup>erric.] Is there a sluice in it?

Mr. Lyman.] There is an open sluice.

The Commissioners having consulted,

Colonel M<sup>K</sup>erric said they would have the case inquiryed into, and if the schedule required any amendment, by reason of the peculiar circumstances of these lands, it would be amended accordingly.

Mr. Penry said there were some cases in which the Honourable Mr. Hanover was interested, but they had been adjourned till the 19th instant at Athlone, on the application of Mr. Fair. The next case was that of Mr. Harter, page 8 of Schedule.

"Shannon Act 1874, 37 & 38 Vict. c. 68.

"Sir,

"Under the above Act it is proposed to charge the property of J. C. Harter, Esquire, as follows: 109, Baker, 267 £ 17 s. 4 d. per annum; 109, Esker Island, 7 £ 14 s. 10 d. per annum; 109, Innishee, 38 £ 2 s. 3 d. per annum.

"I object to the above charge on the ground that the value of the lands will not be increased to that extent, or near it.

(signed) "John Hayes, Land Agent of  
J. C. Harter, Esq.

"Dated at Faby, Eyrecourt, this 24th day of January 1875."

Mr. Madden.] I beg to ask Mr. Lyman will that property of Mr. Harter's be increased in value to the extent of 334 £ a year?

Mr. Lyman.] It will be increased in value to the amount Mr. Brassington and I set out in our schedule, not quite to the extent set out in the printed schedule that has been lodged.

Mr. Madden.] This is at present meadow land; may I ask what would you propose doing with it when it shall cease growing meadow?

Mr. Lyman.] I don't propose that it should cease growing meadow.

Mr. Madden.] Would not it cease growing meadow if the winter floods were taken away.

Mr. Lyman.] I would keep the winter flood on it for three months.

Mr. Madden.] Wasn't the works contemplated by the Act of Parliament, if carried out, deprive the land of the winter floods altogether?

Mr. Lyman.] I think that would be a mistake.

Mr. Madden.] This land is quite convenient to the town of Banagher.

Mr. Lyman.] It is. Part of it is fine meadow, but part of it is very bad.

Colonel M<sup>K</sup>erric.] There is no doubt that from Meelick upwards, and probably including your lands, it would be practicable to prevent the summer and harvest floods, and yet that the winter floods should be allowed to pass over them for a certain period; but when you go further than that along the river, the matter becomes more difficult, and the two propositions become almost irreconcileable, namely, to save the lands from summer floods, and yet preserve the winter floods. It is a very difficult engineering question, but I am not at all saying that it cannot be accomplished.

Mr. Madden.] I think this land of Mr. Harter's is only about two miles from the weir.

Colonel M<sup>K</sup>erric.] It would come within the influence of the sluices unquestionably, and probably, by shutting the sluices, the winter floods might pass over them, but the further the land was from the sluices the less the flood would come up. By the proposed scheme one foot six inches is all that it is proposed to raise the water at Banagher above the summer level.

Mr. Le Poer.] The lands above that level could not be flooded.

[The inquiry was then adjourned.

Portumna Inquiry.

## PORTUMNA INQUIRY.

## REPORT OF INQUIRY held at Portumna on Saturday the 6th of March 1875.

The Commissioners, Colonel McKerlie, R.E., C.H., and W. R. Le Fanu, Esq., C.I.E., with the Secretary, E. Hornsby, Esq., resumed the inquiry at Portumna Court House, pursuant to notice on Saturday, 6th March, at 11 o'clock. There were a considerable number of gentlemen present who were interested in the district.

*Colonel McKerlie.]* Gentlemen, we stand here to-day for the purpose of inquiring into the objections which have been lodged to the valuation schedule under the Shannon Act of 1874. You are probably aware that that Act of Parliament, the 37 & 38 Vict. c. 60, was passed last Session with the object of carrying out certain works for the relief of the lands bordering on the Shannon from injurious flooding. The estimated cost of these works is 300,000 £, of which it is proposed that one-half shall be contributed by Government, as a free grant, the other half 150,000 £ being assessed on the lands to be benefited. The assessment will be spread over a period of 36 years, and the Schedule, which has been very carefully prepared, shows the amount which it is proposed that each proprietor shall contribute. The present meeting is for the purpose of considering the objections which have been lodged to the proposed assessment in the poor law unions of Portumna and Beoirisokane. As you are aware meetings have been held at Athlone and Banagher, at which we inquired into objections lodged by proprietors and occupiers in those districts, and as I stated at those meetings the scope of our inquiry must be confined to the extent of land proposed to be improved, the amount of benefit likely to be conferred thereon by the contemplated works, and the relative amount of assessment proposed to be placed on any particular land with respect to other lands. As I have already mentioned, the Act of Parliament directs that a certain sum, namely, 150,000 £, shall be assessed on the entire of the lands contemplated to be improved. That amount we have no power to alter or interfere with, and it therefore necessarily follows that any alteration or reduction which may be made in the proposed amount of assessment upon any particular lands, must entail an additional charge upon the other lands; that is to say, the whole amount must be charged upon the lands to be improved. It, therefore, of course becomes the interest and the duty of the proprietors to see that no alterations are made which are not just and fair, with regard to themselves and to the whole district. The order in which we propose to take the objections to-day will be the alphabetical order in which they appear, taking first the Portumna Union.

*Mr. Pease.]* There is one case, that of Lord Deasauille, which was adjourned here from Banagher.

*Colonel McKerlie.]* It would be more convenient to take up that case after some of the others have been disposed of.

*Mr. Pease.]* The next case is that of Dean Buisson, but I suppose that was considered to be disposed of at Portumna.

The next is Lord Clanricarde, page 6 of Schedule.

"Sir,

"I hereby give you notice that the Most Noble Hubert George, Marquess of Clanricarde, of Portumna Castle, in the county of Galway, hereby objects to the valuation made by the Commissioners of Public Works in Ireland, under the 6th & 7th Sections of the above Act, so far as his property is concerned, as he considers the said valuation is inaccurate as to the quantity of his land to be relieved from flooding, inaccurate as to the amount necessary to be expended in effecting the proposed improvements, and that the amount of the annual rentcharge proposed to be levied from the lands during the term of 36 years is largely in excess of any improvement that could be effected on his said property, and consequently out of proportion with the increase in the letting value of the lands proposed to be relieved from flooding.

"Dated this 25th day of January 1875,

(signed) "T. D. O'Farrell,

"Solicitor for the Most Noble Marquess of Clanricarde,  
"32, Rutland-square, Dublin, and Loughrea.

"E. Hornsby, Esq.,

"Secretary Commissioners of Public Works in Ireland,  
"Custom House, Dublin."

*Mr. O'Farrell.]* I appear on behalf of the Marquess of Clanricarde. Of course his Lordship is prepared to pay for any improvements which may be effected by the works in the letting value of his property, but he contends that he has a right to pay no more.

Colonel

Colonel M'Kerrie.] Do you wish to bring forward any evidence?

Mr. O'Farrell.] Well, if there is any gentleman here from the Board of Works, I shall be glad to ask him a question on the subject.

Colonel M'Kerrie.] Do you intend to object to the area of land proposed to be included in the assessment?

Mr. O'Farrell.] I admit the area to be correct in most cases. My objection to the area only applies to a few instances. I can show the area to be incorrect in those cases, though not to any great extent.

Colonel M'Kerrie.] Do you also object to the value?

Mr. O'Farrell.] I do; we say it cannot take the sum of money that is proposed to be expended, and I think I will show that to you by evidence. I propose to examine Mr. Lynam.

Colonel M'Kerrie.] You must put forward some specific objection.

Mr. O'Farrell.] With great respect, sir, do you think the objection that has been read could by any possibility be made more specific?

Colonel M'Kerrie.] I think it might. You say there is more land charged than you believe to be capable of improvement, and that the sum proposed to be charged against it is more than the improvement which it is capable of receiving would warrant?

Mr. O'Farrell.] Yes.

Colonel M'Kerrie.] Have you any person who will come forward and substantiate that statement?

Mr. O'Farrell.] I have, sir. Call Mr. Patrick McDonogh.

Mr. PATRICK McDONOUGH, sworn; Examined by Mr. O'Farrell.

You are a Land Surveyor?—Yes.

And have experience in the valuation of land?—I have.

Have you, for the purpose of the present inquiry, examined the portion of Lord Clanricarde's property proposed to be effected by the drainage?—Yes.

Did you see Coorinch Island?—Yes.

And Big Island?—Yes.

And the other lands which are proposed to be improved?—Yes.

What is the amount per statute acre which the Commissioners propose to put on that Coorinch Island?—Sixteen shillings and sixpence per acre, I make it; taking their calculation of the area to be correct.

You say they propose to put an annual assessment of 16*s.* 6*d.* per acre on it?—I do.

According to your experience, could that land be improved to the extent of 16*s.* 6*d.* per acre?—I do not think it could. It is not capable of it.

Have you divided those works into what they call reaches?—Yes, I think it would be desirable to do so; one reach to extend from Limerick to Killaloe, another from Killaloe to Meelick, and another from Meelick to Athlone. I think it would be right to divide them into three sections, and to consider them in that way.

Is 16*s.* 6*d.* per acre the highest rate that is put on in any of the reaches?—Well, I calculated the assessment in other places above Meelick, and I could not get any rate higher than that.

The reach of lands above Meelick are not rated higher than 16*s.* an acre; is that so?—I could not find any.

Do you think that just, fair, and proper?—I think not; I think the lands above Meelick should be rated higher than the lands along Lough Derg, and from this to Meelick, because they are flooded longer, and more injured.

This land that 16*s.* 6*d.* per acre is put on, is it improved by irrigation?—I have no doubt it would be improved by irrigation.

There is a place here (referring to map) called the Callows of Poetman; what do they propose to put on the callows?—Fourteen shillings an acre. They are not a good class of callows, except the reach along the river. The Belleisle Callows are very rich; worth 6*d.* an acre, and a great deal better quality of land; yet there is only 12*s.* an acre put upon them.

And you say they set as high as 6*d.* an acre?—They do.

Taking this land, which is assessed at 14*s.* an acre; do you know Mr. Taylor, of the hotel?—I do.

How much of that land does he hold?—Four Irish acres. He pays 60*s.* an acre for it.

Do the Commissioners propose to put 14*s.* an acre on that?—Yes; 14*s.* per statute acre.

What Mr. Taylor has for 30*s.* an acre; is it per Irish acre?—Yes.

Going over the different places which you have examined, are you of opinion that the amount put on the lands by the Commissioners is excessive, and that they can never be improved to that extent?—I am sure of it. Going over the whole property the charge proposed to be put on is very nearly equal to the fee simple value of the land.

Are you of opinion, as the result of your examination of the portion of Lord Clanricarde's property, which is included in this schedule, that the sum the Commissioners propose to assess upon it would amount to a confiscation of the property?—I am; and, moreover, in my opinion, it is not relative.

Portumas Inquiry.

Colonel M'Kerlie.] You are now speaking of the whole property?—Yes. The whole property, I think, is too much taxed, and besides it is not relative, and, when compared with other lands above it, it is out of all proportion. It is a poor quality of land in general, and to be satisfied with 19,000 £ is most enormous.

Mr. O'Farrell.] Explain to the Commissioners the cases where it is not relative, as compared with other lands?—There is first Big Island, which is rated at 16 s. an acre. There is a better island next it, but there is only 13 s. 6 d. an acre put on it.

Colonel M'Kerlie.] What island are you referring to?—*W'nes*. Big Island is charged at the rate of 16 s. per acre, while Friar's Island, which is better land, and equally flooded, is only assessed at 13 s. 6 d. an acre; on Coorinch Island there is 16 s. 6 d. an acre.

Colonel M'Kerlie.] Are you sure that Coorinch Island is charged 16 s. 6 d. an acre?—*W'nes*. According to the data furnished to me it is.

Colonel M'Kerlie.] Have you calculated it from the Schedule?—*W'nes*. I have, sir.

Colonel M'Kerlie.] And is that the result?—*W'nes*. It is. I have calculated it in the same way I have done all the rest.

Colonel M'Kerlie.] Proceed with your comparison; what is it you say with regard to Coorinch Island?—I say it is valued equal to anything above Macmillan, and that it ought not to be so.

Colonel M'Kerlie.] You are drawing a comparison, and you say the assessment is not relative; point out in what respect the assessment on Coorinch Island is not relative?—*W'nes*. Because it is worse than either of the other two islands, and there is more charged on it.

You mean more than Big Island and Friar's Island?—Yes.

Mr. O'Farrell.] When you say the assessment is not relative, are you speaking generally of the valuation of the whole estate as compared with the upper country?—I am; I say it is excessive.

Mr. O'Farrell (to the Commissioners).] Might I ask you, gentlemen, what expense would be incurred by that portion of the works from this to Killaloe?

Colonel M'Kerlie.] No, that is not the question.

Mr. O'Farrell.] If we could ascertain that, sir, I think I could show you that the valuation put on Lord Clarendon's property is not at all relative.

Colonel M'Kerlie.] That may be, but the relativity has nothing to do with the cost of the works at any particular point. An aggregate sum of 150,000 £ is to be assessed upon the whole lands, in the event of the improvement being carried out, and found to be effective. That amount has been apportioned on the whole of the lands, and has been distributed in proportion to actual benefit to be conferred, that is to say, if one property will be benefited to the extent of 100 £ a year, and another to the extent of 50 £, the land benefited to the extent of 100 £ will have to pay double the amount of rentcharge put upon the other.

Mr. O'Farrell.] Mr. McDonagh was saying that if he knew what the cost of the works was, he could show that the assessment was not relative.

Mr. Le Feuvre.] You asked what the cost of the part of the works comprised between this and Killaloe would amount to. This has nothing to do with the subject of our inquiry. No part of the works can be carried out to the exclusion of the rest. The whole must be carried out or none, and the cost of any particular portion of the works has nothing to do with the matter. As Colonel M'Kerlie has said, the whole 150,000 £ must be charged.—*W'nes*. Then the result is, that the proprietors of land near Portumas are called on to pay for the works done on other parts of the river.

Mr. O'Farrell.] That is what strikes Lord Clarendon's mind. He says that he is called on to pay for works which are to be executed along the upper portion of the river; why should he pay for works which give him no benefit?

Colonel M'Kerlie.] That might be a fair question, if the whole cost of the works was going to be charged on the lands, but nothing of the kind is contemplated. The estimated cost of the works is 300,000 £, and 150,000 £ of that is to be freely granted by Government; the other 150,000 £ is to be advanced by way of loan, to be repaid by a rentcharge imposed on the lands improved; the amount charged on each property, or other sub-division, being proportionate to the actual benefit received.

Mr. O'Farrell.] Well, sir, you have heard Mr. McDonagh's evidence; he says the sum charged on Lord Clarendon's property would amount to a confiscation of the property.

Colonel M'Kerlie.] Yes.

Mr. McDonagh.] I can give you other instances to test the relativity of the assessment. There is Gut Island containing two acres.

Colonel M'Kerlie.] Is that part of Lord Clarendon's property?

Mr. O'Farrell.] It is, sir; you will find it in page 6 of the Schedule. Gut Island, held by Michael Donnelly, it contains 2 acres 0 rods 13 perches.

Mr. McDonagh.] The man who is tenant for that island lets it to another tenant, and gets 10 s. a year for the whole thing; while you have put a charge of 19 s. a year on it.

Colonel M'Kerlie.] Is the charge on that greater or less in your opinion, proportionately, than the charge on other lands?

Mr. McDonagh.] I say it is excessive on the whole estate, and that in the cases which I am bringing forward it is out of all proportion.

Colonel M'Kerlie.] Do you think that the charge on Gut Island, which is about 9 s. 6 d. an acre, is relatively greater, looking to the value of the land and its capability of improvement, than 16 s. 6 d. an acre upon Coorinch Island?

Mr.

*Mr. McDermott.*] I do, sir; it never could be worth that at all.

*Mr. O'Farrell.*] And that is one of the cases in which you say it amounts to more than the fee simple of the land?

*Mr. McDermott.*] I do, the full value, and more.

*Colonel M'Kerlie.*] The comparison you are now drawing is between lands belonging to the same proprietor; you must remember that has no influence upon the general question. What you are pointing out is all perhaps quite correct; no doubt you suppose it to be so; but that would only affect the charges upon the lands in Lord Clanricarde's possession, *inter se*, and the sum total charged upon them would remain the same.

*Mr. Le Poer.*] What we want is, a comparison of the assessment on Lord Clanricarde's land, as compared with that of the land of other proprietors.

*Mr. O'Farrell* (*to Witness.*) Do you say the charge upon Lord Clanricarde's land is disproportionate to the charge put upon the lands of other proprietors?—*Witness.* I do; I have said so already.

*Colonel M'Kerlie.*] You say it is not relative to the charge on other proprietors?—*Witness.* Not only that, but in itself it is disproportionate, comparing some parts of the estate with others.

*Colonel M'Kerlie.*] That second point is really of no great importance; if you can show that Lord Clanricarde is charged relatively more than other proprietors, that would be a matter for consideration.

*Mr. O'Farrell.*] I understand him to give that evidence.

*Witness.*] I have other cases more glaring still. Very near Get Island there is a townland called Rossmore. This townland is a bad species of land; there is a crust on it like turf or peat; the rest of it is rabbit sand; it never could be improved, yet you get 5*s.* 9*d.* per acre on it. I took the trouble of going to another townland called Kelly's Grove; I find the charge on it is 6*s.* 2*d.* per acre.

*Mr. O'Farrell.*] That is in the third reach?—*Witness.* Yes; you will find it in page 4 of the schedule.

*Mr. O'Farrell.*] On Lord Clanricarde's estate?—*Witness.* Yes.

*Mr. O'Farrell.*] That is good land?—*Witness.* I am not well acquainted with it, but it is good land I should think.

*Mr. O'Farrell.*] As I understand, the general result of your evidence is, that the amenities which have been put on by the Commissioners are far in excess of any improvement which can reasonably be expected in the fair letting value of Lord Clanricarde's property?—*Witness.* Yes, I could find a dozen cases of rich good lands which are charged very little over this land of Rossmore, 5*s.* 9*d.* per acre. Rossmore is a class of land that could hardly ever be improved; it is dry and sandy, not capable of improvement, yet 5*s.* 9*d.* per acre is put upon it. There is a better townland on the other side, that has only 4*s.* 6*d.* per acre put upon it.

*Mr. O'Farrell.*] What townland is that?—*Witness.* Rostollus, on the other side. I should mention that those two townlands are the only places I would ask to have any change made in the area. I would reduce Rossmore from 43 acres to 38.

*Colonel M'Kerlie.*] What page is that in the Schedule?

*Mr. Pease.*] Page 6, sir.

*Colonel M'Kerlie.*] You say that should be 38 acres?—I do; I have struck out a piece that should not be included; the other townland, Rostollus, should be reduced from 28 to 18 acres. Now I will give you another instance of disproportion. The townland of Sawnagh is a very poor quality of callow, yet it is charged at the rate of 6*s.* per acre. The very next townland to that in the schedule, Stony Island, is a much better description of land, but the charge on it is only 3*s.*

*Mr. Lyman.*] You think there ought to be more on Stony Island?—*Witness.* I think there ought to be less on Sawnagh.

*Mr. O'Farrell.*] According to your judgment, would the sum proposed to be charged on the property amount to a coalition of it?—*Witness.* Very nearly; it is almost equivalent to the fee simple of it. It is generally a bad class of land, not capable of improvement.

*Mr. O'Farrell.*] I would propose now to examine Mr. Blake as to the effect of irrigation on the property.

*Colonel M'Kerlie.*] I should mention before we go any farther that the survey of the flooded lands, on which the calculations in the schedule are based, was made with great care some years since by very competent officers. The level of the August flood of 1861, and of the ordinary winter floods, were taken as the basis of the contour lines, and drawn with great care on the Ordnance maps; and subsequently a valuation of these lands was made by two gentlemen, both of whom are well known to you; Mr. Lyman on the part of the proprietors, and Mr. Brewington on the part of the Government. They made their valuation independently of each other, and afterwards compared the results, and where they differed they conferred together, and adjusted their differences; so that we may take their valuation as a very reliable one. I think it right to mention this to you, in order that you may understand the basis upon which this apportionment has been made.

*Mr. O'Farrell.*] The very fact which you have mentioned, sir, is, I submit, one of great grievance to both the owners and occupiers with regard to the proposed assessment.

Particular Inquiry. You have given an account of the careful manner in which the valuations by Mr. Lynam and Mr. Brassington were made, and of their having compared their valuations with each other, and adjusted and assented to one another's views; yet notwithstanding that, the effect of the present schedule is, I believe, to add nearly 50 per cent. to their valuation.

Colonel M'Kerlie.] That has nothing to do with the correctness of their valuation; we don't say that the sum mentioned in the schedule is their valuation.

Mr. O'Farrell.] You had before you the valuation of Mr. Lynam and Mr. Brassington, carefully made by those gentlemen, valuing the lands separately and apart from each other, then conferring together, and adjusting their views whenever they differed, yet notwithstanding that valuation having been made by these two gentlemen, you add nearly 50 per cent. to it in the present schedule.

Mr. Le Feuvre.] No, we don't add anything. What we have done is this; the Act of Parliament directs that a sum of 150,000*l.* shall be charged to the proprietors. The proposed works as designed by Mr. Bateman, are estimated to cost 300,000*l.*; of that sum, one-half, 150,000*l.*, will be supplied by Government as a free grant, the other 150,000*l.* will also be advanced by Government in the first instance, but will have to be repaid by the proprietors; therefore in preparing the schedule, that 150,000*l.* was distributed over the various lands intended to be benefited. Nothing else has been done, and it has been done, each township being charged in proportion to the valuation made by Mr. Brassington and Mr. Lynam.

Mr. O'Farrell.] But the effect of it as regards Lord Clanricarde's property is this, that you put upon it an annual rentcharge of 550*l.* 16*s.* 8*d.*, extending over a period of 35 years, whereas the proportion of Mr. Lynam and Mr. Brassington was to put only an annuity of 320*l.* a year, to terminate in 22 years. That is manifestly a hardship.

Colonel M'Kerlie.] We have nothing to do with that.

Mr. O'Farrell.] Here are the figures.

Colonel M'Kerlie.] I do not think you have got the figures correctly, but whether correct or not, it really has nothing to say to the question.

Mr. O'Farrell.] Well, sir, I propose, after I have examined Mr. Blake upon one view of the case, to cross-examine Mr. Lynam as to whether those figures are correct; I may be wrong of course, but my impression is I am right.

Colonel M'Kerlie.] We are merely acting upon the valuation which was made by Mr. Brassington and Mr. Lynam. We are acting upon that as the basis given to us of the relative proportions in which the 150,000*l.* should be distributed over the lands. The question, in how many years is it to be repaid, has nothing to do with the matter, neither has any other valuation or assessment which may at any time have been proposed.

Mr. O'Farrell.] But if Mr. Brassington and Mr. Lynam say that a sum of money will be sufficient to do these works, which, as far as Lord Clanricarde is concerned, should be repaid in 22 years by an annuity of 300*l.* a year.

Colonel M'Kerlie.] We know nothing about that.

Mr. Le Feuvre.] We really have nothing to do with that; Parliament has passed an Act which provides that certain things shall be done. It directs that the proprietors of the lands proposed to be benefited shall pay 150,000*l.* towards the contemplated work, Government granting the other 150,000*l.* We are merely carrying out that Act of Parliament, and the only way we can do it is, in the way we have done in this schedule, which is to distribute the whole amount over the lands proposed to be improved, charging each proprietor with an amount proportionate to the benefit conferred; the extent of that benefit having been valued by Mr. Lynam and Mr. Brassington. We have nothing to do with the assessment being too much or too little.

Mr. O'Farrell.] On the part of the clients whom I represent, Lord Clanricarde, Lord Dunsandale, and others, I beg to say they are quite willing to pay to the extent of the improvement done to the lands, but they object to pay any more.

Mr. Le Feuvre.] We have nothing to do with that; we are only carrying out the Act of Parliament.

Mr. O'Farrell.] That being so, it is difficult to understand the object of the inquiry.

Colonel M'Kerlie.] I explained that fully this morning; perhaps you were not in court at the time?

Mr. O'Farrell.] Yes, sir, I heard your explanation. I propose now, gentlemen, with your leave, to examine Mr. Lynam.

Colonel M'Kerlie.] We will examine Mr. Lynam in the first instance ourselves, and you shall afterwards have an opportunity of asking him any questions you please.

Mr. O'Farrell.] Very well, sir, I am quite in your bands; but I should not wish it to go abroad that the noblemen and gentlemen whom I represent would give any unfair opposition to those works. On the contrary, they are quite willing to pay the full amount of the improvement in the letting value of their lands.

Colonel M'Kerlie.] Mr. Lynam, you have heard the statements which have been made in evidence; first of all, with regard to the relativity of the valuation, and secondly, with regard to the extent of land proposed to be improved?

Mr. Lynam.] Yes, sir, I have heard it.

Colonel M'Kerlie.] Be good enough to give us your views upon the matter.

Mr. Lynam.] I examined the lands in question very minutely and carefully about nine

years

years ago, and I checked both the outline for the area and the then state of the lands *Particular Inquiry* with regard to the water of the Shannon, as compared with the state that I thought they would be converted into by a regulation of the Shannon waters. I made that valuation with the greatest care, and I feel sure that it was right. I have not seen those lands of Sawnagh, and Roscollon, and the others, which have been mentioned. I have not had an opportunity of looking at them since I made that valuation.

Colonel M'Kerlie.] Still that would not affect the proportionate valuation; your not having seen them since would not affect that in any way.

Mr. Lynam.] Well, as to these lands, it is possible I might be slightly mistaken, but I think it is not at all likely. I may mention this, for your information, that though Mr. McDonough may be quite right in the figures he has given, yet I did not go precisely on the same principle, as far as I can gather from his evidence, that he went on. He seems to have considered that those lands that are now the best ought to be the heaviest taxed for the proposed improvements, whereas, in many cases, I considered that lands which are now worse, and of inferior value, should, relatively, be more highly taxed, because there would be a greater improvement conferred on them by the proposed works, than on the lands which are at present of better quality. The question I had to consider was not which plot of land was now the best, but which will be most improved.

Colonel M'Kerlie.] Did you and Mr. Brassington agree in your valuation?

Mr. Lynam.] We did, sir.

Colonel M'Kerlie.] Both as to extent and value?

Mr. Lynam.] Yes, we signed the same schedule.

Colonel M'Kerlie.] I may mention that we endeavoured to procure Mr. Brassington's attendance at the different meetings, but unfortunately he was unable to come. This absence is much to be regretted, but we hope that at the adjourned meeting at Athlone we may be able to secure his presence.

Mr. O'Farrell.] Can you inform us whether there was any difference between you and Mr. Brassington as to the valuation you put upon Lord Clanricarde's property, and if so, what was the amount of the difference?

Mr. Lynam.] I could not tell that, for any particular townland, now, without comparing my original notes with Mr. Brassington. I can tell you this, that we did not differ much at all, in any case.

Mr. O'Farrell.] You have had a good deal of experience about the improvements from time to time proposed in the Shannon, and other arterial drainage works in Ireland?

Mr. Lynam.] Yes.

Mr. O'Farrell.] Do you know what was the cost of the original works executed on the Shannon?

Mr. Lynam.] About 600,000 £.

Mr. O'Farrell.] Did not the owners and occupiers of the land upon the Shannon, Lord Clanricarde's tenants, as well as the rest, believe that, in lieu of the money that they were to pay towards these improvements, their lowlands should be benefited by the drainage. I am talking now of the 1841 works.

Colonel M'Kerlie.] Do you mean what was in Lord Clanricarde's mind at that time? If so, Mr. Lynam can hardly answer that question.

Mr. O'Farrell.] It is right that the whole matter should be ventilated, and fully understood by the public. If it is understood by the public, and a fair arrangement arrived at, I am quite sure the proprietors and every one interested in the matter, will be willing to pay what is just and proper, having regard to the benefit conferred on them, but I don't think they would like to pay any more.

Mr. Le Poer.] That is quite right; but you know, surely, that Mr. Lynam cannot be called on to say what Lord Clanricarde thought.

Mr. O'Farrell.] Very well, sir, I will not press that question; but I ask you now, Mr. Lynam, as an experienced man, thoroughly familiar with every part of this subject, were not the public led to suppose that the lowlands would be relieved from flooding by the expenditure of this money?

Mr. Lynam.] I have often heard tenants in different and distant parts of the Shannon district say they were led to believe, and they did believe (whether they were led or not), that their lands would be relieved from floods by the works done under the first Act.

Mr. O'Farrell.] Have you any idea what sum of money the people who were under that impression contributed towards the works, actually paid in hard cash out of their pockets?

Mr. Lynam.] The fact is, they did not pay the half that was levied. It was spread over the whole country; the islands of Arran paid part of it.

Mr. O'Farrell.] Were the lands relieved from flooding, as it was represented they would be?

Mr. Lynam.] They were relieved from flooding to a certain extent.

Mr. O'Farrell.] Were they relieved from flooding to the extent the people supposed they would be relieved?

Mr. Lynam.] No.

Mr. O'Farrell.] I find that by the scheme proposed in this schedule, the annuities are to extend over a period of 35 years?

*Portumna Inquiry.*

Mr. Lynam.] As I am to tell the whole truth, I want to add a little to my last answer; there was some material benefit done to the lands about Portumna, by the first drainage.

Mr. O'Farrell.] You have said that you had experience in drainage works. I see the annuities proposed in the present schedule are to extend over a period of 35 years?

Mr. Lynam.] That is considered to be a boon to the proprietors.

Mr. O'Farrell.] Do you consider it a boon to the proprietors?

Mr. Lynam.] I have not said that I considered it so; I say it is considered a boon.

Mr. O'Farrell.] Do you, as a practical common-sense man, consider it to be a boon to the proprietors?

Mr. Lynam.] I cannot give a direct answer to that question without qualifying it.

Mr. O'Farrell.] There is no man more intelligent than you are; you say it is considered a boon to the proprietors; I ask you is it a boon?

Mr. Lynam.] If the proprietors have to pay a sum of 150,000*L*, I think it is a boon to them to get 35 years to pay it instead of 22.

Mr. O'Farrell.] Then is this the result of your evidence; that for an expenditure of 150,000*L* it is a boon to pay 260,000*L*; is that your opinion?

Mr. Lynam.] No.

Mr. O'Farrell.] These are the figures; the amount to be advanced is 150,000*L*, to be repaid in 35 years, and the gross amount of the annuity to be paid during that period is 262,000*L*; you don't say that is a boon to the proprietors?

Mr. Lynam.] No, but I say this; that to anyone who has to pay a bulk sum of money, in principal and interest, by an annuity, it is a boon to him to get 35 years in place of 22, because the annuity will be 5 per cent. instead of 6*1/2*.

Colonel M'Kerril.] We do not see what this has to do with the question.

Mr. O'Farrell.] I am offering the evidence with this object, that the matter may be ventilated and thoroughly understood, and that when you and your colleague come to consider the scheme put forward in this valuation, you will see it is one you cannot recommend the Government to stand by, and you will recommend them to re-model it.

Mr. Le Fanu.] In all the district drainage works, for which advances were made by Government, the money was repayable in 22 years, but Lord Rosse and other proprietors wished to have the time extended to 35 years instead of 22, making the rentcharge 6 per cent. instead of 6*1/2*; they pressed that on the Government, and the result was that an Act was passed, and now we have power to extend the time to 35 years, instead of 22, which is considered a great boon by the proprietors.

Mr. O'Farrell.] I admit the general principle that it is a boon, but it is in this case an injustice.

Mr. Le Fanu.] The Act of Parliament directs that the money shall be repayable in 35 years, so that whether it is a boon or not we cannot alter the period; we are merely carrying out the Act of Parliament.

Mr. O'Farrell.] Now, Mr. Lynam, the chairman referred to a valuation which was made by you and Mr. Brasington.

Mr. Lynam.] Yes.

Mr. O'Farrell.] Are you correctly reported to have stated that you believed that the works can be effected for a less sum than the amount stated in the Act of Parliament to be necessary?

Mr. Lynam.] I believe there is in essence nothing more clear, and that there is nothing in river engineering more clear and certain than this, namely, that the drainage that is required by the proprietors and occupiers of the Shannon district can be accomplished, and the navigation at the same time materially improved, by an expenditure of 150,000*L*, instead of 260,000*L*.

Mr. O'Farrell.] Then, in your view of the case, the proper sum to be charged to the proprietors would be the half of 150,000*L*?

Mr. Lynam.] Not only the proper, but the necessary and sufficient sum; I am prepared to prove that before the engineering world.

Mr. O'Farrell.] I see by the schedule that Lord Clanricarde's property is charged with an annuity of 156*L* 2*s*. 8*d*.

Mr. Lynam.] £ 156. 2*s*. 8*d*; it would be very safe if he got off for that.

Mr. O'Farrell.] £ 156. 2*s*. 8*d*. I mean; is that right.

Mr. Lynam.] I do not know precisely; I could not tell unless I saw the schedule.

Mr. O'Farrell.] Is it not the fact that your valuation only amounted to 300*L* a year?

Mr. Lynam.] I think it is likely that after I had settled the valuation with Mr. Brasington, I may have sent a copy of Lord Clanricarde's part to himself at the time.

Mr. O'Farrell.] About 300*L* a year was the amount you ascertained, and I believe it was only to continue for 22 years; is that so?

Mr. Lynam.] I intended it should be paid for 22 years only.

Mr. O'Farrell.] Of course you are acquainted with the lowlands, part of Lord Clanricarde's property, to be affected by the works?

Mr. Lynam.] I know them all quite well.

Mr. O'Farrell.] Don't you know that in the majority of cases it is necessary to provide for the irrigation of the lands to make them profitable in winter, and in March?

Mr. Lynam.] If the lands were mine, and I had money, I would irrigate them.

Mr.

Mr. O'Farrell.] Is it not absolutely necessary to preserve their present letting value, Postumus Inquiry, that they should be irrigated?

Mr. Lyons.] That is a very large question.

Mr. O'Farrell.] It is, but I think it is one you should be able to answer after all the attention you have given to the subject.

Mr. Lyons.] There are different qualities of land, and the result of clearing them wholly from floods would operate differently on those different qualities. Some of them would thenceforward in the course of a few years produce a vastly superior quality of grass; it might not be so large in quantity, but in many cases the improvement in the quality would more than compensate for the diminution in quantity.

Mr. O'Farrell.] You think the meadows would be more verdant?

Mr. Lyons.] I think they would produce a better quality of grass.

Mr. O'Farrell.] You know a great deal of Lord Clanricarde's property; you know the fallow lands, which let at 4*l.* 5*s.* an acre, and the property of the adjoining owners?

Mr. Lyons.] Yes.

Mr. O'Farrell.] If you take away the irrigation that leaves, as has been sworn, a rich manuring deposit, do you think the land would bring that rent?

Mr. Lyons.] I think the larger extent of the fallows which are flat and not moory, would produce considerably more moony's worth of grass by being covered with the Shannon floods for two or three months in winter; I may mention that I took home a sample of the silt which is deposited by the floods, and which covers those meadows almost wholly and uniformly, and I examined it under a microscope, and find it to be a mass of animalcules.

Mr. O'Farrell.] Of course you have studied the works which are proposed to be done, by the Government plans, for the expenditure of this sum of money?

Mr. Lyons.] Yes.

Mr. O'Farrell.] Do these works provide for the irrigation of the lands we are talking of?

Mr. Lyons.] They provide that the lands shall not be irrigated except on the occasion of extraordinary floods which may occur once in 15 or 20 years, and may continue 8 or 10 days.

Mr. O'Farrell.] Is not the result of that arrangement to deprive the owners of a great source of income?

Mr. Lyons.] I think so; I feel satisfied, from observation and reflection, that if the Shannon waters be kept as is provided for in the plan said to be adopted by Her Majesty's Government, there would be a great damage done to a large portion of the fallows as there would be good done to the other lands.

Mr. O'Farrell.] Having regard to the opinion you have expressed, and your estimate as to the sum necessary to be expended, would you recommend by way of trial any works to be carried out, say at Killaloe, for the purpose of a test?

Mr. Lyons.] Her Majesty's Government have now before them an opportunity of saving 75,000*l.* to the public purse, and 75,000*l.* to the proprietors by a reduction of the design, and by adopting a more scientific design than that which it is said they have unfortunately adopted.

Mr. O'Farrell.] Would you suggest any test works?

Mr. Lyons.] In doing that I would only be repeating what I have been doing for the last 13 years, and advocating the plan which was presented to Government by Lord Clanricarde at my instance, that the proposed works, whatever they are, should be divided into two parts, one part to be regulating weirs in place of the existing weir mounds; the other part the great excavations; that the regulating weirs should be constructed on the first part of the work without pinning anyone to the quantity of excavations to be executed hereafter; that the operation of those weirs should be closely observed by the Board of Works during one winter, and I am confident that, at the end of that winter, the figures the Board of Works would have under their eyes, from their own officers, would show them that one-fifth part of the proposed excavations would be sufficient.

Mr. O'Farrell.] Then, if that be so, of course it could not take all the money you mention to execute the works at Killaloe?

Mr. Lyons.] A proper scientific regulating weir, in place of the present weir mound, and a wall to protect and keep back the water, would complete for ever the drainage of that reach without 1,000*l.* expense in excavation. In my opinion the whole could be completed under 12,000*l.* I say this deliberately, and am prepared to prove it anywhere.

Mr. O'Farrell.] You are just as conversant with the lands of Lord Dunsandle as with those of Lord Clanricarde?

Mr. Lyons.] Yes.

Mr. O'Farrell.] And does the evidence you have given apply to property also?

Mr. Lyons.] It does, with this exception; there is a portion of Lord Dunsandle's grounds above the Moelick weir; the evidence I have given would not apply precisely to Lord Dunsandle's property, but it does very nearly.

Mr. Le Poer.] Your evidence as to the valuation being proportional, I presume applies to both?

Mr. Lyons.] It does.

Mr. O'Farrell.] I only want to ask you one other question as to the valuation which was made by you and Mr. Brasington; I believe the valuation set down in the schedule 206.

*Pertormia Inquiry.* is 50 per cent. higher than the valuation made by you and Mr. Brassington; is that so?

Mr. Lyman.] I think what is in the present Schedule is not a valuation at all, as Colonel M'Kerlie has stated, it is an apportionment of the sum of 150,000*l.* over the lands, the apportionment being made in proportion to our valuation; the Commissioners are bound to do that by the Act.

Mr. O'Farrell.] But supposing hereafter that Lord Clanricarde and Lord Dunleath, and their respective tenants are taxed upon this valuation, won't it be 50 per cent. in excess of the amount you and Mr. Brassington said they ought to pay?

Mr. Lyman.] Yes.

Mr. O'Farrell.] And the effect of this Schedule is to extend injustice over 35 years, instead of 22?

Mr. Lyman.] Thirty-five years.

Mr. Le Fauv.] Would the extending the time of payment over 35 years, instead of 22, be a benefit or the reverse to the proprietors?

Mr. Lyman.] I am thankful to you for having given me an opportunity of making a statement on that point, for I was near forgetting it. If I have to pay a bulk sum of money, suppose 100*l.* principal and interest, it would be a boon to me to give me 35 years to pay it in, instead of 22; of course if I had to pay a certain annuity each year, it would be better to have to pay it in 22 years, than 35.

Mr. Le Fauv.] Would not the annuity, if spread over 35 years, be only 5 per cent. of the principal, while if spread over 22 years it would be 6*½* per cent?

Mr. Lyman.] Quite so.

Mr. Le Fauv.] Then, on that principle, is it not an advantage to the proprietor to have it spread over 35 years instead of 22?

Mr. Lyman.] I am afraid I don't understand the question, Sir?

Mr. Le Fauv.] If the charge was spread over 22 years, the proprietors would have to pay 6*½* per cent.?

Mr. Lyman.] Yes.

Mr. Le Fauv.] And if spread over 35 they pay only 5 per cent?

Mr. Lyman.] Yes.

Mr. Le Fauv.] Then is that not an advantage to have only 5 per cent. to pay?

Mr. Lyman.] It is an advantage of course; they all sought for it.

Mr. O'Farrell.] But suppose the Commissioners are going to put on Lord Clanricarde a rent-charge of 556*l.* 2*s.* 8*d.* for 35 years, while the annuity you and Mr. Brassington were going to charge him with was only 320*l.* for 22 years, would not that be a great injustice?

Colonel M'Kerlie.] Mr. O'Farrell, you are quite under a misapprehension as to Mr. Brassington and Mr. Lyman having made any proposition of that sort; they merely gave a valuation of the benefit to be derived; they had no power or authority to say that it should be paid in 22 years, or any number of years, or at any rate per cent.

Mr. O'Farrell.] The view I want to ventilate for you, Sir, is this, that Mr. Lyman and Mr. Brassington made a valuation, and said the sum that was to effect the improvements would only amount to an annuity of 300*l.* a year, as far as Lord Clanricarde was concerned, extending over 22 years, while the present Schedule puts a rent-charge of 556*l.* on him for 35 years.

Colonel M'Kerlie.] I repeat to you that you are perfectly wrong in your impression that Mr. Brassington and Mr. Lyman made any proposition of the kind; they simply gave a valuation of the annual benefit that would be received by the proprietors of the lands if relieved from flooding; they did not say what the charge was to be, nor how many years it was to be paid in; they had no power to do so; they may have had their private impressions about it, but they had no authority in any way to bind the Government, nor had the Government any knowledge whatever of such an impression being entertained.

Mr. O'Farrell.] Quite so, Sir, but are we not all people of common sense who ought to know something about figures, and that if Mr. Brassington and Mr. Lyman ascertained that a certain sum of money would effect the improvements necessary in this district.—

Colonel M'Kerlie.] Pardon me, they did nothing of the kind; they simply said Lord Clanricarde's property, if the improvements were carried out, would be improved 1,000*l.* per annum, or whatever it was; they did no more; they simply estimated the amount of the annual benefit which would be derived if the works were carried out; they had no authority to do more.

Mr. Le Fauv.] We think it is unnecessary to pursue this line of inquiry; of course we know that it is much better for a man to have to pay 300*l.* a year for 22 years than to have to pay 556*l.* for 35 years; that is self-evident; but I do not see what it has to do with the matter before us.

Mr. O'Farrell.] The case that I am making on behalf of Lord Clanricarde is that he is not relieved or benefited to the extent that he is proposed to be taxed.

Mr. Le Fauv.] We do not say how much he will be relieved or benefited. We say that, under the present Act of Parliament, he is to be charged so much if the works are to be carried out; that is all we say; we don't say he is relieved at all, or derives any benefit.

Mr.

*Mr. O'Farrell.]* In that view of the case, it comes to me that it would be a hard thing, *Portman Inquiry*, in the face of the evidence that has been given, to ask Lord Clanricarde to assent to this project.

*Colonel M'Kerlie.]* That is entirely for His Lordship's consideration. He may assent or dissent just as he thinks best.

*Mr. O'Farrell.]* But it may be said that Lord Clanricarde, being a large proprietor of land along the Shannon, obstructed this work, and that Lord Deasandale did the same. That is an impression I am anxious to prevent from going abroad into the public mind. I say their Lordships do not want to obstruct the work; quite the contrary; they are willing to pay to the extent of the full improved value of their land for the work.

*Colonel M'Kerlie.]* Mr. Lyman, you made a design for the improvement of the Shannon; did you, in making that design, the estimated cost of which is, I presume, what Mr. O'Farrell referred to, contemplate retaining the winter floods on the land?

*Mr. Lyman.]* I did, Sir.

*Mr. O'Farrell.]* No one who understood the matter would assent to any project that did not provide for the irrigation of the lands.

*Mr. Lyman.]* Allow me to add that I would not let the winter floods rise to the height they do. I would let them cover the fallows without going out on the roads and houses.

*Colonel M'Kerlie.]* You were invited to submit plans for the improvement of the Shannon at the same time Mr. Bateman was, in 1867?

*Mr. Lyman.]* Yes, Sir, Mr. Bateman and I received copies of the same order precisely. My plans are in the Library of the House of Commons, or were there recently.

*Colonel M'Kerlie.]* I thought it not right, Mr. O'Farrell, to interrupt you in the inquiry you have been making, and the questions you were putting to Mr. Lyman, but at the same time they really do not bear on the subject before us. Government, in consequence of the representations made during the last 15 years, at last decided to invite plans for the improvement of the Shannon, and the relief of the hedgering lands from liability to floods. In 1867 they invited Mr. Bateman, an eminent English engineer, and Mr. Lyman, to send in designs, and the instructions sent to those gentlemen, which were in writing, were, I believe, the same to each, and I will read them to you: "That works shall be designed which shall embrace all that is necessary throughout each separate reach, or level of the river, extending from the point called 'World's End,' at the lower end, to Lough Allen at the upper, to secure the lands adjacent to it against the injurious effects of ordinary winter floods; and which works, it is considered, will also fully provide against all extraordinary summer floods, such as occurred in 1861." These were the instructions that were sent to those two engineers. The plans having been sent in, and the Government having determined to bring in a Bill to give effect to the measure they adopted the designs of Mr. Bateman, an engineer who is, probably, at the head of his profession as a hydraulic engineer, and a man of European reputation. They decided to adopt his designs, the expected result being what I have said, to relieve the lands from ordinary winter floods, and from extraordinary summer floods, such as occurred, and did so much damage in 1861; and, having adopted Mr. Bateman's designs, they of course adopted his estimate. The revised amount of which, in the spring of 1874, was 300,000*l.* Government then proposed, and Parliament approved of the proposal, that the works should be carried out on Mr. Bateman's designs; half of the cost being a free gift, to be provided by Government, the other half to be advanced on a loan, and made repayable in 35 years. Of course this was all made subject to the proviso that the necessary assents were given by the proprietors of not less than two-thirds in value of the lands contemplated to be improved. That is the simple state of the affair; and at the present meeting, though we did not wish to interrupt you, we have really nothing to say to the designs of any other engineer, or the amount for which the works might be completed according to other plans.

*Mr. O'Farrell.]* Very well, Sir. Now I beg to call your attention to the fact that notwithstanding the great reputation Mr. Bateman has got, he has thoroughly misunderstood the subject of the Shannon lands, because he has not provided at all for irrigation in his scheme.

*Colonel M'Kerlie.]* You must be well aware that these lands on the borders of the Shannon are incapable of irrigation from the upland waters, and Mr. Bateman's instructions directed him to preserve them from ordinary winter floods. The same instructions were given to Mr. Lyman. You complain that Mr. Bateman was ignorant of the matter, that he did not provide for irrigation. He was instructed to do a certain thing, and that he did. He prepared plans to relieve the lands from ordinary winter and extraordinary summer floods. He is not responsible for what the effect may be on the land at all.

*Mr. O'Farrell.]* It would strike a person of common sense that it was a strange thing to construct works at very great expense, the effect of which would be, not to improve, but actually to destroy, a large amount of property. It has been given in evidence to-day, that some of these fallow lands, owing to irrigation, produce 5*l.* and 6*l.* an acre, which will be lost if Mr. Bateman's plan prevails.

*Colonel M'Kerlie.]* We have heard the same thing at the two previous meetings.

*Mr. O'Farrell.]* Very well, gentlemen; then I need not trouble you with any further observations.

*Colonel M'Kerlie.]* It is right to mention that, until the present meetings, it has never been brought under the notice of the Government that retaining the winter floods was necessary or desirable. On the contrary, the winter floods, all through the agitation upon this

*Portumna Inquiry.*

this question, were as much complained of as the summer floods. There has never been any statement put forward that the winter floods were beneficial. If that had been stated, no doubt different instructions would have been given to the engineers.

Mr. O'Farrell.] Well, Sir, my object was to apprise you, and your colleague, Mr. Le Poer, what are the views of my clients on the subject, and I have not the slightest doubt that when you have considered the matter you will make the proper representations to Her Majesty's Government.

Colonel McHale.] Certainly.

Mr. O'Farrell.] Bearing in mind, on the part of the proprietors whom I represent, that we do not want to offer any opposition to the project on the contrary; we are anxious to have it carried out, provided that, as in every other work, we are only asked to pay the improved value of our land. In the case of the former Shannon works there was a sum of £60,000/- expended, almost half of which the occupiers of land along the Shannon paid with their ordinary county cess, and for which they received no benefit, the benefit being conferred upon the commercial interest, in providing for the navigation of the Shannon.

Colonel M'Kerlie.] It is right to make an observation upon that. The works originally contemplated, in 1838 and 1839, for the improvement of the Shannon, no doubt comprised the drainage and relief of lands from flooding. To a certain extent that relief was given; to a limited extent, certainly, but still relief was given, for the total area of flooded land previous to the works was 32,000 acres, which has been reduced to 21,000 acres. It was intended that the counties and baronies brought within the area of taxation should contribute ratesably to the cost of the works for the improvement of the navigation, and at the same time that those who derived benefit from the works in improving their lands, should pay for that improvement a fair proportionate sum. It was, however, found extremely difficult to apportion any amount upon the lands, notwithstanding that it was well known, and has been admitted, that they were improved. The result was no charge was put upon them, and the proprietors of the lands which were improved were charged the same as proprietors 10 miles from the river, and who derived no direct benefit whatever from it. Therefore those persons who had their lands improved at that time, instead of having reason to complain, ought to feel grateful for having received a benefit for nothing.

Mr. O'Farrell.] Possibly that may be the opinion of a great many people, but I say it was the owner and occupier of land on the Shannons that had to pay a moiety of the expense, while the commercial public, who got all the benefit, paid nothing.

Mr. Penny said the next case was that of Lord Dunsandil.

Mr. O'Farrell.] Well, gentlemen, in the case of Lord Dunsandil, of course it is not necessary I should go over the same ground. Lord Dunsandil's objection is the same as Lord Clarinbridge's.

Colonel M'Kerlie.] Very well; we will take the objection as applying to Lord Dunsandil's case also.

Mr. O'Farrell.] There is another proprietor for whom I appear also, Mr. White; he is mentioned at page 10.

Colonel M'Kerlie.] We wish to proceed with the objections in alphabetical order. We shall come to Mr. White presently.

Mr. O'Farrell.] Very well, Sir.

Mr. Penny.] Mr. White's case is in the Killaloe district.

Mr. O'Farrell.] Yes, he is in the Scariff Union, but it would be a great convenience to him and me if you could hear the case here.

Colonel M'Kerlie.] If there is time here, after we have disposed of the other objections, we will take up Mr. White's case.

Mr. O'Farrell.] Thank you, Sir.

Mr. Penny.] The next case is that of Major Daly, page 6 of Schedule.

"*Re Shannon Act, 1874.*

" Sir,

I hereby give you notice that Major John A. Daly, of Raford, in the county of Galway, hereby objects to the valuation made by the Commissioners of Public Works in Ireland, under the 6th and 7th sections of the above Act, so far as his property is concerned, as he considers the said valuation is inaccurate as to the quantity of his lands to be relieved from flooding; inaccurate as to the amount necessary to be expended in effecting the proposed improvements, and that the amount of annual rent-charge proposed to be levied from the lands during the term of 35 years is largely in excess of any improvement that could be effected on his said property, and consequently out of proportion with the increase in the letting value of the lands proposed to be relieved from flooding. Dated this 28th day of January 1875.

(signed) " Thomas D. O'Farrell,

" Solicitor for said Major J. A. Daly, 32, Rutland-square, and  
" E. Hernsy, Esq." "Loughrea."

Mr. O'Farrell.] I appear for Major Daly, and would make the same observations in reference to his case as in those of Lord Clarinbridge and Lord Dunsandil. Major Daly feels in the same way towards the scheme; he is quite willing to pay what would be just and right, but he would not like to pay any more.

Mr.

*Mr. Penny.]* The next objection is that of Mr. Jonathan Hardinge, page 8 of Portumna Inquiry Schedule.

"Shannon Drainage.

"To E. Hornsby, Esq., Secretary, Commissioners of Public Works, Custom House, Dublin.

"I, Jonathan Hardinge, of Bessborough, Neenagh, in the county of Tipperary, Esq., hereby object to the draft award made in respect of the lands of Derrybreeny, south, near Portumna, in the county of Galway, upon the grounds that the yearly rentcharge of 48 £ - s. 9 d. by said draft award, sought to be charged upon the above lands, is far greater than the value of the annual increase, in value to be derived by said lands from any improvement to be made thereon by said drainage; and also because such rentcharge is much larger than the proportion of the annual charge which ought to be imposed on said lands by reason of said drainage. Dated this 30th January 1875.

(signed) "Jonathan Hardinge."

*Mr. Biggs.]* I appear for Mr. Hardinge, and my objection is substantially the same as that of Mr. O'Farrell, and I would be only taking up the time of the court if I went through the same evidence as you have heard already. We have no objection to have a fair assessment put on our lands, but we consider the proposed rentcharge far too high. I wish to add that, by the scheme which is proposed, you would destroy our lands. We get from 5 £. to 7 £. an acre for the fallow lands, and if you drain them, without providing means of irrigation, we would not get 25 s. an acre for them.

*Colonel M'Kerlie.]* Whereabouts are the lands?

*Mr. Lynan.]* About a mile above Portumna, on the Galway side.

*Mr. Biggs.]* I think the acre ought to be put down at 49 acres, instead of 125.

*Mr. McDonagh.]* They should be 47 acres.

*Colonel M'Kerlie.]* I understand your objection is confined to the amount of the assessment?

*Mr. Biggs.]* We object to the amount; but we also object to the scheme, because it will take away the irrigation from us. We require the winter irrigation, to make our land profitable. We have no objection to your taking away the autumn floods from us. That would improve our grounds; but taking away the winter and early spring-floods would injure us.

*Colonel M'Kerlie.]* You don't go into detail.

*Mr. Biggs.]* I will, sir, if you like; but it would be the same as you have heard already from Mr. O'Farrell.

*Mr. W. Hardinge.]* There is no second opinion that if you deprive us of the winter irrigation, you will injure our fallows.

*Mr. Biggs.]* Our lands would open and split in the summer, and would yield nothing.

*Mr. Hardinge.]* In fact if you drain the Shannon, without providing for irrigation, you injure us.

*Mr. Penny.]* The next case is Captain Rochfort's.

"Charlemont Avenue, Kingstown,  
13 January, 1875.

"Gentlemen,

"I object to the proposed drainage of the river Shannon, as it would be a great injury to my fallow meadows. My property is about three miles from Portumna Bridge, on the Tipperary side; it is called Currathin, or part of Ballymacogun. As I would not derive any benefit, and would have to pay a heavy tax, I therefore object.

"I am, &c.

"The Commissioners, Board of Works,  
Custom House, Dublin."

(signed) "G. Rochfort, Captain."

*Mr. Penny.]* Captain Rochfort's name does not appear in the Schedule, and I do not know what part of Ballymacogun he is interested in.

*Mr. F. Sheppard.]* I have not been instructed to represent him, but he is a client of mine, and I can direct your attention to the lands. You will find them at page 34. He is successor to Thomas Ely, who is named in the Schedule as the owner.

*Colonel M'Kerlie.]* Has Thomas Ely any interest in the lands?

*Mr. Sheppard.]* No; Ely was the former owner of the lands, and Captain Rochfort is entitled to a portion; not the entire of the lands which Ely held.

*Colonel M'Kerlie.]* Does Ely still hold any portion of the lands?

*Mr. Sheppard.]* No, sir; Thomas Ely is dead, and Captain Rochfort is one of his representatives.

*Colonel M'Kerlie.]* We must correct the Schedule as to ownership of the lands, so far as we possibly can, before issuing invitations to the proprietors to give their assent to the work.

*Mr. Sheppard.]* I will communicate with Captain Rochfort, and let you have the particulars.

Parishes Inquiry. ticulars. I will have the pleasure of meeting you at Killaloe, on Tuesday next, in reference to other cases.

Mr. Penny said, the next objection was that of Lord Ashbrooke, page 12 of Schedule.

"Estate Office, Durrow, 29 January 1875

"On the part of Lord Ashbrooke, proprietor of certain lands adjoining the River Shannon, I beg to object to the valuation and the sums charged thereon generally, and will be prepared to bring forward my objections on the day named for hearing the 4th March 1875.

"E. Hornsby, Esq."

"Yours, &c.  
(signed) "P. Hove."

Colonel M'Kerrile.] Does any one appear for Lord Ashbrooke? [No reply.] Proceeded with the next.

Mr. Penny.] The next is Mr. John Atkinsen, page 12 of Schedule.

"Lissinrin House, Shannon Harbour,  
"Sir,  
" 8 January 1875.

"I have read the valuation under the Shannon Drainage Act, deposited with the clerk of the Parsonstown Union. To every item relative to Derryholmes, Timolin, and Derryhanna, I entirely object. The annual recharge, 102 L 17 s. 7 d. is perfectly ridiculous. The 'present actual value,' absurd as it is, sets in meadow for 4 L or 5 L per acre, and the area to be improved is entirely too large. Finally, I consider that if the winter floods be prevented my meadows will be destroyed.

"E. Hornsby, Esq."

"I am, &c.  
(signed) "J. Atkinsen."

Colonel A'Kerlie.] Does anyone appear in support of that objection. [No reply.]

Mr. Lyness.] These cases were fully heard in Banagher.

Mr. Penny.] The next case is Lord Askemore.

"Sir,  
"Bellside Roscrea, County Tipperary.  
"I have the honour to request that you will lay before the Commissioners of Public Works my objection to the taxation proposed to be levied on my land adjoining the Shannon, for the purpose set forth in the scheme for Shannon drainage.

"E. Hornsby, Esq., Secretary,  
"Office of Public Works, Dublin."

"I have, &c.  
(signed) "Askemore."

Lord Askemore said: I have noticed, from interruptions to the line taken by objectives or their representatives, that the Commissioners hold that they are here to-day simply to hear objections to the amount to be levied on different lands respectively; that by power given by Act of Parliament 150,000 £, is actually to be laid out, and covered by taxation on the lands assumed to be improved, and that all they have to do is to hear objections to the apportionment of this sum. If this is the correct view of the position, this is a high-handed measure, only adopted for Imperial Governments. Also in that view we who wish to object have only to "dissent" according to the Act, and by that and other influences oblige Parliament to reconsider their Act, as that assembly has already done in other instances. But we have been called upon to object by a certain day, and to appear here to sustain our objections. To do this it is absolutely necessary we should be allowed not only to object to the apportionment, but also raise, ventilate, and throw what light we can on the questions, whether the works proposed will really benefit our properties to the extent supposed, and also whether they can sustain the taxation necessary to arrive at that result; in short "whether the cost can be cut according to the cloth." On these points I find on inquiry: 1st. That the lands affected by floods will not be improved in pecuniary value to anything like the extent represented by the taxation proposed to be laid upon them; 2nd. That the details are now worked out, and the tax proposed to be put on the lands proves to be far above what the lands can support. From inquiry made outside, and from what I have heard here to-day, it is beyond all question that all concerned wish to have such works executed as would control the autumn floods. This will enable the poor man to save his crop, and when, as often happens, he holds, or has bought meadow by auction, he will not be harassed by having to choose between losing his oat or his hay crop. Large proprietors will be able to count on saving their hay to feed their stock in the winter.

This is all that proprietors really desire for the purpose of increasing the value of the flooded meadows, and they are surely the best judges, as every man is, of what affects his own pocket. They do not wish to lose the winter floods, which cover their meadows with a top dressing of a "mass of animalculæ," as is shown by Mr. Lyness's evidence in

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Lord Clarendon's case. Mr. Lyman has stated here to-day that 150,000*l.* will cover Pycanna Inquiry. all the expenses necessary to obtain the object of controlling the autumn floods. Mr. Lyman is on his oath, and I shall call on him to answer a few questions with regard to the effect of the winter floods. I will illustrate what I have said by contrasting two years. The 1868 was an average year, and the callows let at 27*l.* 16*s.* 6*d.* In 1873, when the water went off very early in the year, the callows let for only 23*l.* 15*s.* In 1874, which was the latest of those three years that the spring floods remained on the lands, the callows let at 290*l.*, being an improvement on 1873 of 55*l.* in the value of a holding of 149 acres. This proves conclusively that the winter and also the spring floods are an advantage to those callots. Now, if you wish to hear evidence as to that, I can call upon a man who has immense experience of these lands, but if you merely wish to get our assent or dissent I have nothing further to say.

Colonel M'Kerlie.] You are at liberty to call any evidence you please.

Lord Asquith.] Do you assume that any proprietor who does not dissent is to be taken as dissenting?

Colonel M'Kerlie.] Certainly not.

Lord Asquith.] I would not wish to be put on the list of dissenting proprietors.

Mr. Le Poer.] Forms of assent will be sent to every proprietor.

Lord Asquith.] What I wanted to know was whether those who have not formally dissented, are to be taken as having given their assent?

Colonel M'Kerlie.] I don't think your Lordship was here to-day when I stated that the object of our meeting was to ascertain whether it was necessary to make any corrections in this Schedule, either as regards extent of land, names of owners or occupiers, or the relative charge apportioned on each.

Lord Asquith.] I inferred that from some things that were said since I entered the court.

Colonel M'Kerlie.] But I furthermore stated that all this was preliminary to issuing forms of assent to the proprietors, inviting their assent to the proposed scheme. Forms of assent will be forwarded to each proprietor to enable them to assent to the work if they think proper. Those who choose to dissent need take no notice of it. Every proprietor who does not assent will be taken as dissenting.

Mr. Le Poer.] Any proprietor who returns no answer will be considered as dissenting. It is not that a person not dissenting will be assumed as dissenting, quite the reverse. Any person who does not assent in writing will be considered as dissenting.

Lord Asquith.] Why not carry out what is really wanted, and what would be beneficial to the lands? It appears manifest that if the scheme of Mr. Bateman is carried out, the irrigation of the callow lands will be prevented, and great injury will result.

Colonel M'Kerlie.] That was never stated until the present meetings.

Lord Asquith.] Surely it is not too late to represent it now, when you have the evidence so clear.

Colonel M'Kerlie.] Our object at present is merely to ascertain whether there is anything inaccurate in the Schedule.

Lord Asquith.] Surely we are invited here to assent to this proposed assessment, or to state our objections to it if we have any?

Colonel M'Kerlie.] Certainly.

Lord Asquith.] As a portion of the sustentation of that objection, we must produce proof that our lands are not benefited to the extent set down. That is what we are doing, and that is what we must do. We must go into details to show that our objections are well founded.

Colonel M'Kerlie.] Quite so; so to the assessment.

Lord Asquith.] Then we must necessarily go into the question whether the winter floods are beneficial or not.

Mr. Le Poer.] We have heard evidence to that effect.

Lord Asquith.] If the effect of the scheme would be to enable the poor man's crops to be saved in autumn, without injury from flooding, then no one would complain of being taxed for so desirable an object as that. But if in order to gain that object it was necessary to deprive the callows of the winter floods, then I say we should cut our coat according to our cloth; we cannot afford it; we cannot afford the difference of expenditure which would be necessary to regulate the floods. Now, I will ask Mr. Lyman what would be the difference in the amount of expenditure required for those two operations; one to take off the summer floods, the other to regulate the winter floods; can he tell us the amount of money required for each of those operations?

Mr. Lyman.] I beg your pardon; he so good as to repeat the question.

Lord Asquith.] There are two operations supposed to improve these lands, both of which I understand are included in the plan of Mr. Bateman. One of them is, the prevention of autumn floods. I think there is not a doubt about it that that portion of the scheme would be highly beneficial. The poor man's crops, oats, hay, everything, are injured by the autumn floods. What I want to know is, what amount of money would be required for the prevention of those autumn floods, without any further operation whatever. From your knowledge of the flood of 1861, the way it arose, the interregnum in its rising, at one period it having remained stationary for 10 days, when it was stated that a sluice or sluices at Killaloe would have taken it off before another rise came, and its final rise of 20 inches in four days; do you think you could have carried off that autumn flood, and at what cost?

Portman Inquiry.

Mr. Lyons.] Your Lordship's question only refers to Killaloe, and the reach from Killaloe to this.

Lord Avenmore.] From Meelick Weir to Killaloe Weir. That is the portion I am interested in, and I am not entitled to be heard with respect to any other.

Mr. Lyons.] If in the summer of 1861, previous to the occurrence of the great rainfall that caused the very destructive flood of that year, there had been a proper regulating weir at Killaloe, instead of the then existing weir mound, and if that weir had been opened and closed judiciously, during the months of July, August, and September of 1861, so as to preserve 7 feet of water on all shallows and lough sills for steamboat navigation, and at the same time to keep Lough Derg and the River Shannon as low as it could be kept consistently with the necessary provisions for navigation, there would have been no crops destroyed on that reach of the river in that year 1861.

Lord Avenmore.] The cost?

Mr. Lyons.] About 10,000 £.

Lord Avenmore.] Supposing we want to regulate our floods in such a way that if it is found beneficial on proper inquiry to be able to flood the callows in winter if we wish, what works would be necessary, and what would be their cost to attain that object?

Mr. Lyons.] The additional cost necessary for works that would throw up the Shannon over the callows for three months in winter, would be a mere trifle.

Mr. Le Poer.] But whatever your estimate was, for relieving the land from winter floods, it would, as I understand your evidence, cost a trifle more, or something more, to regulate those; is that what I understand you to say?

Mr. Lyons.] Yes, sir. I may add that with regard to some of the callows, in some winters they are not flooded. I contemplate that the waters shall be so regulated as to flow over all the callow lands, whether there was a great flood or not, during two months of winter.

Mr. Le Poer.] The instructions which you received from Government were, to prepare plans to secure the lands against ordinary winter and extraordinary summer floods. Your estimate of the cost was 150,000 £, and Mr. Bateman's was 300,000 £. Now, if you are to regulate the floods so as to relieve them from autumn, and preserve spring and winter floods, I understand that your estimate would be more?

Mr. Lyons.] It would be a trifle more, with this additional benefit conferred on the lands, the walls should be constructed a little higher and a little stronger.

Mr. Le Poer.] Then it would cost a little more?

Mr. Lyons.] A trifle more.

Colonel M'Kerlie.] In the summer flood of 1861, are you aware what the height of the water was immediately below the weir at that time?

Mr. Lyons.] Yes.

Colonel M'Kerlie.] Was the weir under that water?

Mr. Lyons.] Yes, sir.

Colonel M'Kerlie.] Suppose you lifted the weir out of that altogether, what difference would it have made? Suppose you lifted the walls, or imagined it was lifted, what would be the result with regard to the level of the Shannon, above up to Portman?

Mr. Lyons.] There would be no land, except a few acres of very low margin, covered; because there is a fall at the weir of 2 ft. 2 in. It is perfectly true the weir was drained by backwater in the flood of 1861, and also in August 1863; but the water above was still so much higher than it made a fall of 2 ft. 2 in. I was there then, and was there subsequently, when the two flood gauges showed the same height of water as was in the flood of 1861, as we know from the registries; and I measured with the spirit-level at each end of the mound, and it was 2 ft. 2 in. on the Tipperary side, and 2 ft. 6 in. on the Clare side; there being then a clear fall to the amount I have stated, and Lough Derg being only a few hundred feet upwards; the mean fall at that point, by removing the weir, would be 2 ft. 4 in. At the lake it would be 1 ft. 9 in. The banks at and above Portman were then only 1 ft. 6 in. under water.

Lord Avenmore.] With regard to the weir and back water in 1861, you have said that the first rise in that year would have been carried off by a regulating weir. If that first rise had been carried off, and managed properly, would the weir then have had any backwater?

Mr. Lyons.] It would; but notwithstanding the backwater, the fall is sufficient. I know precisely the width of the channel, at intervals of 200 or 300 feet; and I know precisely the depth that would be in the channel, if Louth Derg were at such a level as would injure no crops at or above Portman; and I know by the formula that is laid down by the best authorities on the subject, and whose publications are the class works in the universities, that by the width and depth of water that would then exist, and by the fall per mile, it would carry 900,000 cubic feet per minute; and Mr. Bateman's estimate, which he made on the occasion of the flood of 1861, was for 900,000 cubic feet per minute. The existing channel is capable, by the well known formula, familiar to every engineer, of carrying that quantity, if a proper regulating weir or weirs were constructed.

Lord Avenmore.] Then, in your opinion, the result of carrying away the weir altogether, before the flood rose, would have been that the water would be 1 ft. 8 in. lower at Lough Derg than it actually was?

Mr. Lyons.] One foot six inches.

Colonel M'Kerlie.] In your estimate do you include the opening up of the weir basin?

Mr.

Mr. Lyons.] No, sir.

Colonel M'Kerlie.] You are aware that from Portumna to the weir there is a considerable fall?

Mr. Lyons.] Yes.

Colonel M'Kerlie.] And that the obstruction in the weir basin is the cause of that fall?

Mr. Lyons.] I do not think so.

Colonel M'Kerlie.] Is it not the fact that the water is not brought over the weir now, because there is an obstruction between the water at the pier head and the weir?

Mr. Lyons.] That applies to the lower end of the weir, but not the upper end.

Colonel M'Kerlie.] Is it not the case at the lock end?

Mr. Lyons.] It is true as regard the lock end.

Colonel M'Kerlie.] Is it not the case that at times of flood, between the flood gauge at the pier, and the flood gauge at the lock, there is sometimes a fall of 16 or 18 inches?

Mr. Lyons.] Twenty inches; causing a rapid which waterly prevents steam navigation.

Colonel M'Kerlie.] Unless you remove the shallows between the two points I have mentioned, would not that fall still exist in time of flood?

Mr. Lyons.] A similar fall would still exist, and would then be carrying the flood off the lands, without removing any shallows; the channel as it is, is sufficient to carry away the water without injuring any of the crops, were it not for the artificial obstruction of the weir mound.

Colonel M'Kerlie.] But on the weir there was, at the time of the floods in 1861, a certain amount of back-water.

Mr. Lyons.] Yes.

Colonel M'Kerlie.] And from the level of the back-water to the level of the pier head there was in August 1861 a fall to a certain amount?

Mr. Lyons.] There was, sir; but that requires an explanation. That is perfectly true as regards a small and almost useless portion of the weir, 9 or 10 inches higher than the rest of the weir. It would not hold with regard to the upper part.

Colonel M'Kerlie.] You are speaking of the weir; I am leaving the weir out of the question?

Mr. Lyons.] I, too, am speaking of the river and not the weir. I am anxious to put you in possession of my views, which I think are very nearly the same as yours on the subject (*Witness draws a diagram*). Suppose that is the pier head, and this the lock; there is a fall from one to the other. I took myself the levels all along with a spirit level, on both the Clare and Tipperary sides of the river at Killaloe from the deep water of Lough Derg to the hedge, and the fall at the Clare side from the lake to the weir was 18 or 20 inches; while the fall from the lake to the weir on the Tipperary side did not exceed 4 inches.

Colonel M'Kerlie.] Is the water falling at one side and level at the other?

Mr. Lyons.] It is falling 20 inches at one side, and only 3 or 4 at the other.

Mr. Le Poer.] If there is no actual fall in the surface of the water it cannot be 20 inches at one side and 3 at the other. That would be an anomaly.

Mr. Lyons.] It is an anomaly, I admit; but it is a fact. The fall from the settled water of the lake is only 3 or 4 inches to the head of the weir mound. The Cokoule is perfectly right, as far as I; when we come to Killaloe I hope you will allow me to point it out to you on the spot.

Lord Askeaton.] I propose, gentlemen, with your permission, to examine a witness who is familiar with these lands, as to the effect of withdrawing the winter floods from them.

PATRICK McCABE, sworn; Examined by Lord Askeaton.

How long have you known these lands?—About 40 years.

As bailiff or sub-agent?—Yes.

A good deal of this land is above water every winter?—A small quantity.

What sort of grass do they produce?—Good grass. There is a better quality of grass in the part that is not flooded; but the quantity is a great deal less.

If you wanted to feed cows, which would you rather have?—I would rather have the good grass. But you have a table here referring you to the setting prices of those callows.

Colonel M'Kerlie.] Then your statement is that, with regard to quality, the grass on the lands which are not flooded is superior, but the quantity is less?—Yes, sir. I say, on the whole, the callows are benefited by the floods.

Lord Askeaton.] You know the portions of the callows that are never flooded?—I do.

Adjoining others that are flooded?—Yes.

On the portions that are flooded you say the quality of the grass is better?—Yes.

And the quantity is less?—A great deal less.

If you had to feed cows, and could get 10 acres of one or 10 acres of the other, whichever you pleased, would you take the high ground, which is never covered, or would you prefer the low-lying fallow which is flooded every winter?—I would, because there would be a greater quantity of grass. The quantity would make up for the quality.

Colonel M'Kerlie.] Would the greater quantity of grass produced by the flooded land more than counterbalance the inferiority as to the quality?—Yes, I consider so.

Portumna Inquiry.

Lord *Assessor.*] With respect to winter and spring floods, what do you say?—I think it would be a great advantage if the autumn floods were prevented; but the winter and spring floods are a benefit and not an injury: for the winter floods manure and fertilise the fallows, and in spring the floods keep away the frost, which would injure the grass.

Colonel *APKerville.*] So that, in your opinion, the winter and spring floods are useful to the land?—Yes; they irrigate the lands, and protect them from the frost.

Lord *Assessor.*] Have you noticed that, in 1874, when the floods remained high on the fallows, late in the season of spring, about £900*L* was obtained by auction for the meadow, instead of £287*L*, which was got for them in 1871, when the floods were off the lands earlier in the season?—Yes.

Then you think the spring floods are beneficial?—I do.

Why?—Because they prevent the grass from frost.

Lord *Assessor.* said he did not intend to offer any further evidence.

Mr. *Perry* said the next case was that of Mr. *Esmondo*, page 38 of Schedule, where the lands, Drominagh demesne, were set down as the property of *Froderick Smythe*. It should be *James Esmondo*.

"Drominagh, Borrisokane,  
" 28 January 1875.

"Sir,

I beg to inform you, for the information of the Shannon Commissioners, or those of the Government Department concerned in the proposed scheme for the drainage of the Shannon, that I consider that any attempt made to lower the level of the Shannon, or to withdraw the winter flooding from any portion of my land will be highly injurious to my property. I am now the proprietor of the lands of Drominagh, sometimes called Castle Biggs, in the Barony of Lower Ormond, and county of Tipperary, near Borrisokane, and I entirely object to being taxed for the benefit of others.

"Yours, &c.  
(signed) "James Esmondo."

Colonel *M'Kerlie.*] Does anyone appear for Mr. *Esmondo*? [No reply.]

Mr. *Perry* said the next was Mr. *William Headoch*, page 36 of Schedule.

"Johnston Park, Nenagh,  
" 16 January 1875.

"Sir,

I hereby give you notice, that I object both to the area and the value of the land proposed to be benefited in the printed assessment issued by the Board of Public Works under the Shannon Improvement Act of 1874. I shall appeal against the same at the meeting to be held at Portumna, on the 8th day of March next, such lands being situated in the parish of Killadrum, Barony of Lower Ormond, and county of Tipperary.

Dated this 16th January 1875.

"E. Hornsby, Esq."

(signed) "William Headoch."

Mr. *Francis Sheppard*, Solicitor.] I appear on behalf of Mr. *Headoch* in support of the objection which has been read, and I shall shortly open another class of objection, not that which has been already put before you so forcibly by my friend Mr. *O'Farrell*. I wish at the outset to state that my clients do not concur with the parties who complain that Government seek in the present scheme to impose a large tax upon the owners of land without giving anything in the shape of an equivalent in value. The gentleman whom I represent are of opinion that it would be highly desirable that the Government should expend a certain sum of money on the Shannon drainage; and that it is quite right that the owners of the land benefited should contribute a fair proportion of the money expended. But what I am anxious to point out is, that the parties at the upper end contend, and I think fairly contend, that they should not be taxed for benefits which they will never acquire. In the Preamble of this Act of Parliament, I find the following important words, "And whereas the works of the aforesaid Acts authorised have been generally carried into effect, but large tracts of land bordering on the said river still remain subject to injurious flooding, and it would be of great public and local advantage if further works were executed by which the said lands would be relieved, facilities afforded for the relief of other lands, now subject to be injuriously flooded or tributaries of the said river, and the navigation at the same time improved." Now the case of Mr. *Headoch*, Mr. *Minchin*, and other gentlemen whom I represent, is, that "their lands" are not subject to injurious flooding; that the Act therefore does not, and is not intended to apply to them, but that, on the contrary, if the floods are taken away, their lands will receive no benefit, but a deterioration. I think that in this Act of Parliament the interests of the owners of land at the lower end are much more considered than those at the upper. The lands at the lower end are injuriously affected by the floods; but in the lands at the upper end the flooding is a benefit. The proprietors at the upper end would prefer to be left as they are; the proposed works would do them no good, but, on the contrary, would do them harm. I will establish that to you by the evidence of Mr. *Headoch*, Mr. *Minchin*, and other proprietors.

Mr. WILLIAM HEADOCK, sworn; Examined by Mr. Sheppard.

Persiana Inquiry.

I believe no portion of your estate, Mr. Headock, abuts on the shore of the river?—None whatever; I object to my land being assessed for these works, and I do so for these reasons. As to the upper portion, I never knew it to be covered by floods for any time, except on one occasion when it was covered for three days in consequence of a great storm, which threw back the Shannon water. Except on such occasions the land is never flooded, and during my recollection for the last 12 or 13 years since I purchased the property, the waters have never been on it for more than a couple of days; for when the wind ceases it runs off instantly, and unless I had that water, or at least the drains kept full, I would not have sufficient grass for my cattle. As the land now stands, it is perpetual mud; I got last year 7*l.* 10*s.* an acre for a portion of it. The lower land near the river it is, the better price I obtain. I do not get more than 3*l.* 10*s.* an acre for the upper portion where the water does not come on. The water does break in occasionally on a small portion of the lower part, and as to that I don't object, but on the upper division, it is only flooded when the wind blows back the Shannon water, and when the wind changes the water runs off; I would rather it remained longer, to tell you the truth. One summer, about five years ago, we had a very dry season, the consequence was the drains were dry and I was not able to graze the land. It requires moisture, and unless it has moisture it will not grow meadow.

Mr. Sheppard.] Do you consider the drainage of the Shannon would injure or benefit the upper divisions of your lands?—It would injure them, it would make them dry, and they would produce no grass; I would never be able to meadow the land.

Mr. Le Poer.] Would you be able to till it, and would not the advantage you would get in that way counterbalance the disadvantage of not being able to meadow it?—I would not be able to make a profit of it except by the grazing.

Mr. Le Poer.] Suppose you tilled it, would it not be capable of tillage?—Well, it is a light moory land, and unless it is wet in summer, the chances are that a storm would blow away the surface altogether; you could walk your feet into it in dry weather. It is liable to split when the weather is hot.

Colonel M'Kerric.] You don't think it would be fit for tillage?—No, it is too dry.

I understand that as to the lower portion of the lands, you don't object to their being included in the valuation?—Well, no; I do not object to the lower portion, but I do to the upper. It never is flooded but when there is a tremendous storm from the west.

Mr. Le Poer.] You say that the portion which is most flooded is the most valuable?—Yes, for there is a sediment deposited on the land by the river, and it acts as a kind of manure.

Mr. Sheppard.] That is well known.

Colonel M'Kerric.] Are your lands secured against summer and autumn floods?—Mr. Headock. Perfectly. I purchased that estate 12 years ago, and I never saw a summer flood upon it at all, except in October, when it is flooded to a certain extent, but only a few inches deep, mere surface water.

Colonel M'Kerric.] Did you purchase it since 1861?—Mr. Headock. Yes.

Colonel M'Kerric.] You don't know whether it was flooded in 1861?—Mr. Headock. No, not of my own knowledge.

Colonel M'Kerric.] There is only about an acre of it set down in the map as having been flooded in 1861.

Mr. Lyons.] Yes, sir; that is correct.

Mr. Headock.] I am charged in the schedule for 8*s.* acres.

Mr. Lyons.] That is the quantity that would be improved by drainage.

Mr. Headock.] So far from being improved, it would be materially injured by it.

Mr. Sheppard.] We find some difficulty in ascertaining on what portion of the land the assessment is made.

Mr. Headock.] I object to the taxation of the upper portion; the lower portion I do not object to.

Colonel M'Kerric.] It is all taken in the schedule in one lot; the portion coloured blue on the map was under water in August 1861.

Mr. Lyons.] He is only charged 3*s.* 4*d.* per acre.

Mr. Headock.] Part of the land is mere cut-away bog, with marl underneath, and all the drainage in the world would never make land of it.

Mr. O'Farrell.] But you are only charged 3*s.* 4*d.* per acre, while Lord Clanricarde is charged 18*s.* 6*d.*

Mr. Headock.] My land cannot be improved, and that is what makes the difference.

Mr. Sheppard.] This is dry land, and requires water; Lord Clanricarde's is rich alluvial land, capable of being improved by drainage.

Colonel M'Kerric.] We would wish to have Mr. Lyons's opinion on this. (To Mr. Lyons.) Do you know the locality?

Mr. Lyons.] I do; I went over it nine years ago and examined it with great care with the map, which I have here. I believe all that Mr. Minchin has stated is accurate with regard to the lands not being liable to floods unless on rare occasions. There is only a small portion of it subject to summer floods; the remainder is flooded occasionally, that is to say, by high winter floods, and of course it would be to some extent in very high summer floods. I believe the land was valued lower than otherwise in consequence of that.

Mr. Sheppard.] Do you know the quality of the land?

Portumna Inquiry.

Mr. Lyman.] I do not remember it.

Mr. Sheppard.] Presuming it to be such as Mr. Headach stated, a light dry land liable to split in hot weather, don't you think saturation would be a benefit to it?

Mr. Lyman.] That would depend upon the season of the year; saturation of it in winter would be injurious.

Mr. Headach.] I don't concur in that. I think the water on it is an improvement to the land at all times.

Mr. Lyman.] By saturation I mean that the water, though not on the land, is so near the level of it that the ground is soft, and therefore produces only sedge; land to a great extent such that the cattle's feet will sink into.

Mr. Headach.] No, no! that cannot be.

Mr. Lyman.] That is what I mean by saturation.

Mr. Headach.] I can put sheep on every part of it, except in the sloughs where the bog is cut away; these, of course, fill with water, but that does not arise from the Shannon; it is the rain water retained in the hollow places, where the bog has been cut away; on the rest of the land I can turn cattle out.

Mr. Sheppard.] There is no material difference between your evidence and Mr. Lyman's.

Mr. Lyman.] No; still I am of opinion the land would be improved by a judicious regulation of the water.

Mr. Headach.] As for improvement, I would ask how can it be improved, when I get 7*l.* 10*s.* an acre for portions of it, and ranging from that to 5*l.* for others?

Mr. Lyman.] I think there is only 3*s.* 4*d.* per acre put on it.

Mr. Headach.] My objection is that it is not injuriously affected by the Shannon at all.

Colonel M'Kerlie.] You mention it.

Mr. Headach.] Yes, it is a perpetual meadow, except in one year, when the season became so dry that I had no grass on it; cattle are on it this very day; I suspect there are wet places on it, but that is from the turf being cut out of it, as well as a great deal of damage being done to one of the bottoms by bog being cut away.

Colonel M'Kerlie.] Looking at this case, Mr. Lyman, in the same way that you have done similar cases, do you think, the greater part of it being only subject to winter floods, that by the taking away of those winter floods, any benefit would be conferred on the lands?

Mr. Lyman.] If, as the gentleman says, he wishes to graze the lands, of course by taking away the winter floods he will have more value out of the after grass.

Mr. Headach.] By the time the winter floods rise, that grass is off. My opinion is that if the Shannon is lowered I won't get 5*l.* an acre for the lands.

Mr. Sheppard.] I may mention that when once the meadow is set, they have a habit of getting it very close and late, so that the after grass is of very little value.

Colonel M'Kerlie.] Still, what Mr. Lyman has stated, leads us to conclude that there must be some benefit, inasmuch as the period during which cattle could be kept on the lands would be somewhat extended. You say it is on rare occasions the winter floods cover the upper portion of the lands?

Mr. Headach.] Yes; I have only seen them once in 12 years.

Colonel M'Kerlie.] I think this is a case on which it is desirable that Mr. Lyman should take another look at the lands.

Mr. Lyman.] Probably it would, sir; I do not remember them at this moment; I am only relying that the valuation I made when I was on them, nine years ago, was accurate. I have no doubt it is, because I examined them very carefully on that occasion.

Colonel M'Kerlie.] We think this is a peculiar case, and we will ask Mr. Lyman to look at the lands again, and give us his opinion.

Mr. Sheppard.] Very well, sir; perhaps I may mention the matter when we meet at Killaloe.

Mr. Lyman.] I intend spending Monday at Killaloe, for the purpose of seeing the other lands; I think I could look at Mr. Headach's property on my way down.

Mr. Penny.] The next case is Colonel Hickie's, pages 36 and 38 of Schedule.

"Sir,

"Stevin, Roscrea, 30 January 1875.

"I object to any of my property at Slevin, Timmough, or Muckloon, in the Barony of Lower Ormond and county of Tipperary, being taxed for the proposed drainage of the Shannon, which, by taking off the winter floods, would be injurious to the land.

"Yours, &c.

(signed) "J. F. Hickie, Lieut. Col.,

"The Secretary, Board of Works,  
Dublin."

"Representative of Rev. C. Spurge-

Colonel M'Kerlie.] Does any one appear in support of this objection? [No reply.]

Mr. Penny.] The next objection is signed by a number of persons, who are occupiers of Ballymoteegan, page 36 of Schedule.

"Take notice that we, and each of us, feeling ourselves respectively aggrieved by the assessment of 20*l.* 0*s.* 3*d.*, as the rent charge yearly on part of the callows of Ballymoteegan, that affects us under the Shannon Act of 1874, we, and each of us, do appeal, 1st,

on

on the ground of excessive taxation; 2nd, the total drainage of our callows would cause ~~Portumna~~ Inquiry, considerable loss and injury thereto; and we, and each of us, shall attend at Portumna, before the arbitrators, to prosecute our said appeal.

" Dated the 30th day of January 1875.

(signed) "John Kennedy, senior,  
"John Kennedy, junior,  
" Bridget Flaherty.

" Occupiers of part of the lands of Ballymacegan, parish of Lorrha, Barony of Lower Ormond, and county of Tipperary.

" The Secretary, Board of Public Works,  
Custom House, Dublin."

Colonel *M'Kerlie*.] Does any person appear in support of this objection? [No answer.] We must go on to the next.

Mr. *Penny*.] The next is the objection of Michael and Daniel Loughman; it comes in late, page 36 in Schedule.

" Dear Sir,  
" We, the tenants holding a portion of Mr. Sadler Stacey's property in Ballymacegan Island, and a small portion opposite, do lodge an objection; 1st, that the value and annual rent charge is too high; 2nd, that we are of opinion that the land will receive no benefit by it.

" Yours, &c.  
" E. Hornsby, Esq." (signed) "Michael and Daniel Loughman.

Colonel *M'Kerlie*.] Does any one appear in support of that objection? [No reply.]

Mr. *Penny*.] Mr. F. T. Minchin's is the next objection, page 36 of Schedule.

" Sir,  
" I hereby give notice that I object to the assessment by the Shannon Drainage Act, on the lands of Annagh, Cameron, Carrick, Maellick, and Glenboath, and shall oppose any proposal to remove winter floods.

" Yours, &c.  
" E. Hornsby, Esq." (signed) "F. T. Minchin.  
Secretary, Board of Public Works Office,  
Custom House, Dublin."

Mr. *Sheppard*.] I appear for Mr. Minchin, and his objection is very much of the same nature as in the foregoing case of Mr. Headach, with this exception, that in reference to the lands of Cameron, the area of which is set down in the schedule at 34 acres, 3 rods, 10 perches, Mr. Minchin states that in order to make up that quantity a large portion of rocky shore and unprofitable land have been included in the acres.

Mr. *Le Fanu*.] Is this property near Johnstown, Mr. Headach's property?

Mr. *Sheppard*.] A portion of it adjoins Mr. Headach's property, but the particular towland I refer to does not.

Mr. *Lynam*.] It is quite close to Mr. Headach's property, and very similarly circumstanced.

Mr. *Sheppard*.] The objection which I submitted to you in reference to the lands of Mr. Headach, applies also to these lands, namely, that in the words of the Act of Parliament they are not "subject to injurious flooding," and on the contrary, we consider the flooding useful and beneficial to them, and that if the irrigation which they now get from the Shannon waters is removed, they would be seriously deteriorated in value, instead of being benefited. That is the case I have been instructed to make on behalf of Mr. Minchin, and I propose to give you Mr. Minchin's evidence and that of one of his tenants to that effect.

Mr. F. T. MINCHIN, sworn; Examined by Mr. *Sheppard*.

I believe, Mr. Minchin, you are the owner in fee of those lands?—Yes.

With respect to the lands of Annagh, on which the annual rent-charge of £1 1s. is assessed, we will deal with that first. Will you explain to the Commissioners how Annagh is circumstanced?—It is very similarly circumstanced to the lands of Mr. Headach. Annagh is the best part of the whole, that is to say, it is constant meadow; I had it some years in my own hands, and therefore know it thoroughly. At present it is in the hands of a gentleman who is here. Another objection I have to make is, that the rocky line of shore has been included in the measurement, in order to make up the 38 acres.

Potanna Inquiry. acres put down in the schedule, and as that shore could not possibly be rendered of any value by any drainage, I object to it being included in the valuation.

Mr. Le Poer.] The remaining part of the land is, you say, of good quality; is it meadow?—Mr. Macchia. Yes, it is; for that the tenant who now occupies it took it. It is perpetual meadow, but if the floods are taken off, the meadow will be destroyed.

Colonel M'Kerlie.] Do you ever suffer from autumnal floods?—Mr. Macchia. Only once in 12 years; I made no allowance for the floods once.

Colonel M'Kerlie.] To what extent on that occasion?—Mr. Macchia. Only a trifle, I think 3*l.* or 6*l.*

Colonel M'Kerlie.] What proportion would that bear to the whole rent you have paid?—Mr. Macchia. I suppose about 25 per cent. on the year's rent, and that only on the meadowed portion of the land.

Mr. Sheppard.] The next townland is Cameron?—Yes.

The quantity, as set down in the Schedule, is 34 acres; is that correct?—It is.

Now for that 34 acres are you paid 3*l.* an acre?—I made more than that of it when I had it myself.

What are you getting for it?—The rent of the entire is 53*l.* a year, but the lower part is the best of it; the upper portion is not so good.

Next, turn to Carrick; what sort of land is that?—Carrick is much the same.

Is it better than the upland?—No, I think it is not so good.

I believe Medlick is let to a tenant on a long lease?—It is.

For what term?—For three young lives and      years.

Mr. Sheppard.] And yet we are assessed at 14*l.* 1*d.* a year for Medlick, although during the term of the lease we get no benefit from any improvement.

Colonel M'Kerlie.] It is right I should state to you that you are mistaken in that, for where lands are charged for improvements of this kind, we have the power, in the event of the tenant and the landlord being unable to come to a satisfactory arrangement among themselves as to the portion of the rent-charge which they ought to pay respectively; we have the power under certain sections of an Act of Parliament which are incorporated with the Act to put a proper proportion of the rent-charge upon each party.

Mr. Sheppard.] That is satisfactory, sir, but I think after you have heard the evidence which we have to offer, that there will be no necessity for putting those powers in operation.

Colonel M'Kerlie.] There is a portion of the land now under consideration very similarly circumstanced to that of Mr. Headlegh, but the major part of it, as shown upon the map, is subject to autumn floods; that is to say, in the autumn of 1861 it was under water.

Mr. Sheppard.] I am instructed that the floods upon that land are occasioned, not so much by the Shannon, as by the back-water from a small river called the Ballyoosnail river.

Colonel M'Kerlie.] Is that back-water kept up by the Shannon?—Mr. Macchia. It is.

Colonel M'Kerlie.] Then if the waters of the Shannon were lowered, that back-water would be done away with, and the flooding of that land would be prevented?—Mr. Macchia. That is true, sir, but it would entail an additional expense to have the river properly cleaned.

Mr. Sheppard.] The next townland is part of Glenbowen, it is only charged 5*s.* 5*d.* a year, but we allege that the land is valueless, for it consists merely of cut-away bog. Now, sir, with respect to the lands of Cameron, I would wish to examine Mr. Towers, who has himself lodged an objection.

Mr. Penny read Mr. Towers' objection as follows:—

"I hereby give notice that I object to the charge made by the Shannon Drainage Commissioners on the land of Cameron, Poor Law Union of Borrisokane, of which I am occupier, and protest against the scheme which will materially injure my interest."

(signed)      "B. H. Towers,  
"The Secretary, Shannon Commissioners,  
Board of Works, Dublin."

"Castletown, Borrisokane."

Mr. Towers, was sworn; Examined by Mr. Sheppard.

On what grounds do you object to the assessment, Mr. Towers?—I object because the meadow part of the land will be injured if the water is taken off. I object also to the area set down in the schedule; the shore has been included in the measurement. It is strand, which should not be included.

To what extent?—The whole extent of the island, for though it lies low it has a shingly shore.

Colonel M'Kerlie.] What width would you say the strand is?—I could not tell you.

Mr. Sheppard.] How long have you it?—About three years.

Is it flooded in summer?—Never. I never knew it to be covered with water in summer.

Is it flooded in autumn?—Never, till I take the cattle off it. I have grazed it myself for

for the last three years, but it has never given as good meadowing latterly as it did before. *Parishioner Inquiry.*  
the big floods, or what they call the big floods of the Shannon.

Colonel M'Kerlie.] The year 1872 was a wet year; had you the land then?—I had.

You say you have it three years; so that I suppose 1872 was the first year you had it?—Yes.

Was it not flooded in that year?—It was not injured. I should mention that it is covered with water in the winter, and I think, if the winter floods are taken off, the meadow will be seriously injured.

Would you wish to be secured against summer floods?—The summer floods do me no harm.

And you would be sorry to see the winter floods removed?—I would. I think it would injure the land very much.

Mr. Sheppard.] You will remember, sir, that Mr. Minchin also stated that he has no summer floods.

Mr. Le Feuvre.] Mr. Minchin stated that on one occasion he had to make an allowance to his tenant for loss sustained by the summer flood.

Mr. Sheppard.] That was the only occasion in which it ever occurred that there was any loss by reason of summer flooding, and, even on that occasion, the loss would not have occurred if the tenant had taken away his crop of hay in time.

Mr. Tatters.] I remember that year, and there was not more than eight acres of the land covered so as to injure the crops. In my opinion the land would be ruined if the floods were taken away; the grass will not grow if the land is deprived of its natural irrigation.

Colonel M'Kerlie requested Mr. Lyman to state his views with reference to these lands.

Mr. Lyman.] The shore of this island is shaded on the map as if it were rocky and rugged. I was on the land some years ago and I made a careful examination of it. This is the map I had with me on the occasion, and I think I must have noted it properly, but I do not remember it sufficiently to speak as to it positively. I know the land is in a very remote place, and I remember we botched it on that occasion.

Colonel M'Kerlie.] Do you see a large portion in the map coloured blue, indicating it to be subject to summer floods; have you a recollection of that portion?

Mr. Lyman.] I do not recollect more than what I have said just now. I know I examined it carefully at the time.

Colonel M'Kerlie.] Do you believe that the valuation you then put on it is correct, relatively to other lands?

Mr. Lyman.] I do, sir; but as this place is near the lands which belong to Mr. Headach, I would like to look at both again.

Colonel M'Kerlie.] Of course, as you put a valuation upon it, you must have considered that some benefit would be conferred on it by the proposed drainage.

Mr. Lyman.] I believe I was bound, according to the principles on which I acted with regard to other lands, to put a valuation on it; we put some taxation on every portion of land that was included within the red line.

Colonel M'Kerlie.] In your valuation you included lands which were liable only to winter floods; of course believing that some advantage would be conferred on it by the proposed works.

Mr. Lyman.] I did, certainly.

Colonel M'Kerlie.] We will have this matter looked into again.

Mr. Sheppard.] Thank you, sir. If you wish to hear any evidence as to the summer floods, the bailiff on the lands is here; he knows them for the last 25 years.

Mr. Le Feuvre.] We have the fact that Mr. Minchin once made an allowance to his tenant.

#### PATRICK HIGGINS, SWORN; EXAMINED BY MR. SHEPPARD.

Do you know these lands?—I do.

I believe they are always subjected to winter floods?—They are.

Now, confining yourself to the lands of Cameron, are they subject to summer floods?—No, sir, I think not.

Colonel M'Kerlie.] Are they ever subject to autumnal or harvest floods?—The water may come over them occasionally, but it would not signify.

Mr. Sheppard.] Is the hay crop ever injured by autumn floods?—No, I think not.

How long does your recollection extend over the lands of Cameron?—Since I was born.

During that time have you ever known the hay to be lost in harvest by reason of a flood, and, if so, how often have you known it to occur?—I think not.

Colonel M'Kerlie.] You did not join in the general complaints which were made in the year 1861 of the injury the Shannon floods were causing to the owners and occupiers of lands bordering on the river?—I do not recollect anything to be lost, sir, at that time.

Do you remember that flood?—No, sir, I do not recollect it.

Is it 16 years ago?—I cannot say that I recollect it distinctly.

Do you remember in any year hearing complaints made in reference to a very large loss of hay?—I do, sir. I remember it being complained in other places that the hay was taken

Portumna Inquiry.

takes away by floods; but I know I always heard since I was able to recollect anything, ever since I was a small boy, that there was no time we would have better meadow than when the winter floods would cover the lands early, and remain on them a long time.

We were speaking of summer, not of winter floods; do you think they are injured by summer floods?—No, sir.

Do you think, if the lands were covered in summer, the meadow would receive no injury?—If the hay was cut in time, it would not. I never remember the crop being injured by summer floods.

During your acquaintance with those lands, you know of no summer floods doing any damage to it?—I do not.

Colonel M'Kerric.] Have you any further evidence, Mr. Sheppard?

Mr. Sheppard.] No, sir; I have nothing more.

Colonel M'Kerric.] Very well. Mr. Lynane will look at the lands again, and will let us know the result of his examination. Proceed with the next case.

Mr. Penny.] The next objection is that of Mr. Thomas Wilson, pages 36 and 38½ schedules.

"Sherman Act, 1874.

"Numbers of Ordnance Map 1 and 4, Reference Number on Map 8, Townland of Ballymacgean (part of) county of Tipperary.

"Objection of Thomas Wilson, reputed proprietor, to the survey and valuation in the schedules to said Act mentioned, so far as same relates to the numbers in the margin hereinafter mentioned.

"The said Thomas Wilson objects to the survey and valuation made and stated in the numbers in the margin hereof, inasmuch as said valuation and survey of said respective portions set forth in said numbers is excessive; and that the alleged improvements stated and set forth in the schedule under said Act, in relation to said numbers, are unnecessary, and will not improve said lands in said numbers mentioned; but, on the contrary, tend to injure their meadow and grass properties by being deprived of irrigation and other benefits; and therefore the said Thomas Wilson objects to same.

"The said Thomas Wilson further objects to said survey and valuation schedule, on the grounds that the reputed owners are not properly set forth therein; and that with respect to numbers 1 and 4 of the Ordnance map and number 11 of Reference map, in pages 36 and 37 of said schedule mentioned, the person named Thomas Wilson in said schedule stated, as a reputed joint proprietor, has nothing to do with the properties therein stated, or any title whatsoever thereto. And with respect to numbers 1 and 4 Ordnance maps, and No. 8 Reference map, in pages 38 and 39 of said schedule mentioned, the person named P. Robinson, in said schedule mentioned as a reputed joint proprietor, has nothing whatever to do with the lands in the said schedule mentioned, with respect to said last-mentioned properties, or any title whatsoever thereto. And therefore the said Thomas Wilson objects to same.

"Dated this 30th day of January 1875.

(signed)

"Thomas Wilson,

"The Commissioners of  
Public Works, Custom House, Dublin."

"Rochton House, Athlone.

Colonel M'Kerric.] Does any one appear for Mr. Wilson?—[No reply.]

Mr. Penny.] The corrections referred to in the objection have been made in the schedule; that finishes the objections for Portumna.

Mr. O'Farrell.] May I remind you, gentlemen, that you said, if you had time, you would hear the objection of a man named Denis White, which, properly speaking, should be heard at Killaloe, but which it would be a great convenience both to himself and me if you would kindly dispose of it here.

Colonel M'Kerric.] What case is this?

Mr. O'Farrell.] It is the case of Denis White, sir, page 10 of schedule; you will see an anomaly of 19*l.* 18*s.* 11*d.* is sought to be imposed upon him, which would, in point of fact, amount to a confiscation of the whole property. I bought this estate for Denis White myself, for 900*l.* The portion liable to be flooded is one-third of the entire, so that we may assume its value to be 300*l.* Yet you say you require to charge it with the sum of 388*l.* in order to improve it. He says that if you take away the floods which irrigate the land, he would, so far from being benefited, suffer serious loss, and that it is unfair that he should be taxed for what will not merely confer no benefit on him, but, in point of fact, would injure his lands.

Colonel M'Kerric.] Does he object to the area set down in the schedule?

Mr. O'Farrell.] He does not think the area is so great as is put down; but this can make no difference. He is quite ready to give his assent to the project, provided the benefit he will derive is fairly equivalent to the sum he has to pay.

DENIS WHITE; Examined by Mr. O'Farrell.

I believe, Mr. White, that you bought the lands of Ballygaoegan, in the Landed Estates Court, recently?—Yes.

The portion of the land affected by the proposed works is about one-third of the entire?—Yes, about that.

What did you give for the entire?—£. 900.

The sum proposed to be expended is 300*l.* 18*s.* 8*d.*?—Yes, to be repaid by a rent-charge of nearly 30*l.* a year, for a period of 35 years.

Do you consider that impost excessive?—I do; if it was sold to-morrow it would not pay that annuity.

Is it, in your opinion, injured by the winter floods or benefited?—It is benefited; it would be no good without the winter flooding.

Mr. O'Farrell.] That is all the evidence I propose to give, sir, in this case.

Colonel M'Kernan asked Mr. Lyman whether he concurred in the evidence which had been given, namely, that the prevention of winter floods would injure the land?

Mr. Lyman.] Yes; I think the hay-crop would be heavier if the land had the flood over it for one or two months in winter.

Colonel M'Kernan.] Would it be no good in quality?

Mr. Lyman.] Not quite so good in quality, but more abundant in quantity.

Colonel M'Kernan.] Mr. White, I believe I am correct in stating that a large portion of your land is subject to autumn floods?—Winter floods, sir.

Is it subject to summer and autumn floods?—No, sir; it is flooded in winter.

Mr. O'Farrell.] Answer the question; is it affected by autumnal floods?—No.

You swear that, upon your oath?—I do.

How long are you in possession of this property?—Since 1851; my father became owner in that year.

Since the year 1851, when your father became owner, have you ever lost a crop by autumn floods?—Never, sir; unless one season that it was neglected.

What year was that?—I could not say the year.

Mr. Lyman.] Is it 14 years ago?—Something about that.

Mr. O'Farrell.] With that solitary exception, do you swear you never lost a crop of hay in consequence of the Shannon?—Never.

Mr. Le Fanu.] Except on that one occasion?—Yes.

Mr. O'Farrell.] And if you had been diligent, and had taken away the crop in proper time, do you swear you would not have lost it on that occasion?—I would not say that.

Mr. O'Farrell.] Although this witness wears a frieze coat, I know him to be a most respectable man, and I am satisfied he would not make any statement unless it was true.

Mr. Lyman.] We all know that flood came so early that no diligence would have provided against it.

Mr. O'Farrell.] That concludes the evidence I have to offer in this case, gentlemen; and I beg to say, on the part of this man, as I have already stated on behalf of other clients, that he is quite ready to pay what is fair and reasonable, having regard to the value of the improvement effected in their land.

Mr. Sheppard.] Would you allow me to mention an objection which has not been entered? There is a Mr. Robert Palmer, who is charged in two places; the first is for the lands of Firmount on the other side of Lough Derg; they are lands immediately adjoining the town.

Mr. Peasey.] In what county is the land situated?—Mr. Sheppard. Tipperary and Galway; he has two holdings. He is described, in page 34 of the Schedule, as Robert Palmer, occupier, and the owners are set down as the representatives of Catherine Delany; we wish that to be corrected.

Mr. Peasey made the necessary corrections in the schedule.

Colonel M'Kernan. Gentlemen, our next and last meeting will be held at Killaloe, on Tuesday next, to hear objections in the Poor Law Unions of Scariff, Nenagh, and Limerick. We have adjourned the meeting which we held at Athlone on Tuesday, to the same place on Friday the 19th instant, and if any gentlemen interested desire to be there, they will have an opportunity of hearing what is said, and of suggesting any additional corrections which it may be desirable to make in the Valuation Schedule.

[The Commissioners then adjourned.

## Killaloe Inquiry.

## KILLALOE INQUIRY.

REPORT OF INQUIRY held at Killaloe, on Tuesday, the 9th of March 1875.

THE Commissioners met at the Court-house, Killaloe, on Tuesday, 9th March, at 11 a.m., and resumed the Inquiry.

Colonel M'Kerlie said,—Gentlemen, we have met here to-day, as the Commissioners of Public Works in Ireland, for the purpose, as stated in the printed notice, of inquiring into the objections which have been lodged to the survey and valuation of the lands proposed to be benefited by the Shannon Improvement Act of last Session, our present meeting having reference to the lands included in the parishes of Nenagh, Scariff, and Limerick.

As has been stated at the previous meetings which have been held during the past week at Athlone, Banagher, and Portmarnac, the object of calling for these objections is to enable us to make such corrections in the valuation schedule as may be necessary before inviting the assent of the proprietors to the measure. The scope of the objections is necessarily confined, at the present stage of the proceedings, to the extent of the land which is contemplated to be benefited, and its relative valuation with respect to that of other lands.

It is right to mention that, if any alteration is made in the charge upon any particular lands, it will follow that the amount of the reduction, whatever it may be, will have to be charged upon the district as a whole, the Act requiring that the whole sum of 150,000*l.* shall be charged upon the lands generally. We shall now proceed to inquire into the objections, taking them in alphabetical order, in the three unions which I have mentioned, Scariff, Nenagh, and Limerick.

Mr. Philip Rose.] Gentlemen.—There is a question which I wish to ask previous to your going into your list. Colonel M'Kerlie has just stated, and the same view struck me on reading the Act of Parliament, that you would have to assess any sum that was objected to and that you thought fit to take off, you would have to assess it on the whole district. Now there is a primary objection, certainly, to that course, namely, that if those lands were fairly charged before, there would then be an overcharge put on them, a proceeding which I submit would not be in accordance with justice. That is one primary objection which strikes me as applying to the course proposed to be adopted in reference to this valuation. Another objection is that, in point of fact, we are assessing for no purpose; for if the whole sum cannot be reduced, but must be levied on the lands as laid out on the plans, we are really merely seeing whether Peter shall pay Paul; either Peter or Paul must pay, and it really seems to be a waste of time if the Act declares that the entire sum of 150,000*l.* must be levied. However, on reading the Act of Parliament it strikes me—of course I may be in error, and if so, I wish to be corrected, and I mention it for that purpose—it strikes me that the Commissioners have full power to alter the existing scheme or to get subsequent plans so as to meet the requirements of the Shannon. It appears to me that they are not bound to those particular plans which have been sent in; far from it. I read the Act in the widest way, and I think there never was fuller power given to any body of gentlemen to alter their plans, as it may seem fit to themselves or their engineers, than is given to the Commissioners of Public Works under this Act of Parliament. There is not, in my opinion, the slightest limit put upon them, and I mention this publicly because it has been stated in the public press, and generally believed, and, in fact, I entered this down under the impression that the Commissioners were tied down to a particular plan. It is quite true that we are discussing a particular plan, but the Commissioners have full power, as far as I can understand, to alter in every way, and, of course, to charge the amount of taxation. I beg further to say that, upon the whole, I am most anxious, for several reasons which it is unnecessary at present to mention, that the Shannon should be brought under command. I am most anxious for that, and that other works which are desirable to have carried out on the Upper Shannon, not at all affecting me or anyone else on Lough Derg, should be carried out. But no matter what my impressions or opinions are upon the general question of the improvement of the Shannon, I submit that the points I have mentioned are matters on which it is essential the proprietors should be fully informed; for if by a judicious alteration of the plans you could take off 1,000*l.* a year from the sum necessary to be assessed, you would have only 6,500*l.* a year to charge on the lands; and if you could reduce it by 3,000*l.*, you would have only a sum of 4,500*l.* to collect by assessment from the landowners, which would be a very different thing, indeed, from collecting 7,500*l.* from them, as is proposed in the valuation schedule. I would respectfully urge upon you that, if this plan of Mr. Bateman's be disapproved of generally by the proprietors of land along the Shannon, which may or may not be the case, but if it be disapproved of generally, either on the ground of its expenses or for any other reason, it does not at all follow that the Commissioners of Public Works should not bring forward such modified and improved

proved plans as, in their opinion, should satisfy the requirements of the country. I see a friend of mine on the bench, and with great respect to him I will say this, that I think he could not have considered this plan in *extremis*, and I will tell him why. I observe that one of the things proposed in Mr. Bateman's scheme is to leave the bed of the Shannon dry for a period of three months, from Killaloe to the sea water, where the tide affects it at Limerick. Mr. Bateman says in his report that that would leave the navigation of the river idle for that period; but he forgot that it would have other effects; and I think my friend to whom I allude could not have seen that portion of the plan, or he would never have given his sanction to it, for not only would it put a stop to the navigation of the river, but it would also destroy every fish in the Shannon, not a single fish would escape, and the salmon of the Castle-Coswall fisheries would be ruined. I am quite sure such a result as this could never have been contemplated by Mr. Bateman himself when he coolly proposed to stop the water at Lough Derg for these months, and not allow a drop to pass Killaloe. I am quite sure what he says could be effected; I know nothing, almost, that a skilful engineer cannot effect; but I really think Mr. Bateman did not contemplate the results of such a proceeding, and I suspect the Commissioners did not take into consideration that it would destroy the fisheries along the Shannon for the next 40 or 50 years at all events. Now that is one view which strikes my mind with regard to this scheme, and that is the reason that I ask the question whether we are bound to it, or whether it is not competent for the Commissioners to adopt such modifications and alterations as may be found judicious and necessary, having regard to the circumstances of the country; for although I am extremely anxious to get something done that would effectively stop the injurious flooding of the land alongside the Shannon, and also popularise a Government that I am favourable to, namely, the present Government, I am very anxious something effective should be done; but I am very much afraid the proposed plan of stopping the waters of Lough Derg, and carrying on expensive works for the purpose of removing the winter floods, a step which many persons do not think desirable, would be very generally disapproved of. I may mention that this is no modern objection of mine; I made the same objection, I am sorry to say, 35 years ago. I suffered very severely, for I lost 200*l.* a year by the former improvements on the Shannon. Meadows that I could previously let for 6*l.* and 7*l.* an acre, I can now get only 3*l.* or 4*l.* per acre, for although the rise in the value of hay and in the rest of land has been, as we all know, very considerable, but the reason is, the lands are not productive to the extent they were formerly. I know, of course, that I never can expect the water to be put back on these meadows again; I do not ask it. I wish to say that I have never suffered from autumn floods, for my lands are above the autumn floods, so that individually I am scarcely affected at all, and the small sum at which I am assessed, I would cheerfully sacrifice for the object I have mentioned; but these whom I have spoken to on the subject object to the scheme on the grounds that Mr. Bateman's plans are on a scale which is unnecessarily expensive, and that by taking away the winter floods they would in many cases injure, instead of benefiting, the land. I would not have taken up your time but that I have observed the statement that you were tied up and bound by the plans of Mr. Bateman. Now, on looking at the Act of Parliament, it appears to me that you are absolutely unlimited, except that whatever you do must be subject to the approval of the Treasury. I am very sure that the Treasury would be much more likely to approve of plans which could be executed for 100,000*l.* than 150,000*l.* expense to the country, and that if such a modification can be contrived as will effectually a reduction of expense, there need be no difficulty apprehended in that quarter.

*Colonel M'Kerlie.*] The figures which are mentioned in the Act of Parliament, and the amount of the assessment to be charged on the proprietors, are based on the designs and estimates prepared by Mr. Bateman. The Government thought it right to adopt his plans, Mr. Bateman being an engineer of very great eminence and experience, and thoroughly competent to design works to effectuate the object desired. But although they have adopted generally the plans of Mr. Bateman, they still reserve to themselves the right of making any modifications which may be found to be expedient. After the period fixed by the Act for obtaining the assent of the proprietors to the measure has elapsed, the question will then arise as to what modifications it may be desirable to introduce; but until then it is unnecessary to consider the question.

*Mr. Roode.*] I am satisfied.

*Colonel M'Kerlie.*] There is another point as to which you are under a misapprehension. You stated that Mr. Bateman contemplated damming up the water in Lough Derg for three months in the year, and leaving the bed of the lower portion of the river dry; he had no such intention; that is no part of his proposition.

*Mr. Roode.*] Is it not stated in his report?

*Colonel M'Kerlie.*] You have not his designs before you; his plans have not been brought before the public at all.

*Mr. Moreland.*] I hope his plans do not contemplate pulling down any of the weirs which at present exist, so as to interfere with the navigation of the river.

*Colonel M'Kerlie.*] They do not; they preserve the navigation intact.

*Mr. Roode.*] I think you will find in Mr. Bateman's report, he contemplates putting stakes at Lough Derg, and leaving the bed of the river below it dry. I read that certainly in the report.

*Mr. LeFanu.*] That only refers to a limited portion of the bed of the river; not the whole of it.

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Killaloe Inquiry.

*Mr. Reade.*] He speaks generally of the bed of the river being left dry. He admits it would interrupt the navigation, but he does not say a word about the injury it would do the willows, and the still more important point, the destruction of the fisheries.

*Mr. Le Fèvre.*] If you read the report, you will see he does not propose it as an annual thing. He does not say it is to be done every year; all he says is that during the progress of the works and for the purpose of expediting them, a limited portion of the bed of the river may be left dry for a short space of time, if necessary.

*Mr. Reade.*] One hundred days is the time mentioned in the report. He says he could empty Lough Derg in 48 hours, and that it would take 100 days to refill it.

*Mr. Le Fèvre.*] He does not propose to leave any part of the river dry for such a period of time as that. All he says is, that the sluices would be found useful in discharging the water while the works are in progress.

*Mr. Reade.*] He speaks of impounding the waters in Lough Derg for 100 days.

*Mr. Le Fèvre.*] That is he could do it if desirable; but you may rest assured that no such thing was ever in contemplation. You may be sure the works will be carried out in such a way that neither the mills, the navigation, nor the fisheries of the Shannon shall be injured.

*Mr. Reade.*] I read the report literally; he tells you that in 48 hours he could empty Lough Derg; and that if emptied, it would take 100 days to fill it, and during those 100 days the bed of the Shannon below it would be dry, so that people could walk as on dry land.

*Colonel M'Kerlie.*] No such thing is proposed to be done; we will now proceed to hear the objections.

*Mr. Peary.*] The first objection is that of Mrs. Mary Blake, page 4 of the Schedule.

" Medlick House, Whitegate, County Galway.

" 29 January 1873.

" Gentlemen,

" I, Mary Blake, the proprietress of the lands of Medlick, in the parish of Cleersh, Barony of Leitrim, county of Galway, and Poor Law Union of Scariff, do hereby make an objection to the Shannon Drainage Bill, so far as the said lands of Medlick are concerned; and I further request that this my valid objection may be filed on your objection schedule, and placed as an objection by me before the meeting to be held at Killaloe on the 8th day of March next, where I am led to believe such objections are to be considered. My reasons for this objection are as follows:—The portions of these lands which will be affected by the Shannon Drainage Bill are held by my two tenants, John Hynes and Michael Hanvey, and not by a Matthew Barnes, as represented in your schedule lodged with the clerk of Scariff Union. There is no present benefit or future remuneration to be derived from said drainage on said farms, the shore being a complete bed of rocks, perfectly barren, and quite incapable of being rendered in any way useful by drainage, or any other available improvement, as can be shown to before the Commissioners. I wish also to remark that if the operations of the Shannon Drainage Bill take effect on those farms, the impost caused thereby would deprive the foregoing named tenants, and thereby materially depreciate the value of my property. Hoping, gentlemen, you will register this objection in the usual manner,

" I have, &c.

(signed) " Mary Blake.

" To the Commissioners of Public Works in Ireland."

*Colonel M'Kerlie.*] Does any one appear in support of this objection?

*Mr. Reade.*] I received a letter from Mrs. Blake only this moment, in which she asks me to state that she sent in her objection, and that I could testify to it; but I do not know the lands sufficiently to be able to do so. I do not know whether there is any one from Mrs. Blake here.

*John Hynes* (one of the tenants of the lands in question) came forward, and said he attended for Mrs. Blake. He was accordingly sworn.

*Mr. Reade.*] Do you know these lands?—*John Hynes.* I do, sir.

*Mr. F. Sheppard.*] I beg your pardon, Mr. Reade, I object on the part of the legal profession, to any person not instructed as a professional man appearing here for a third party.

*Mr. Reade.*] I have not the least wish to do anything not perfectly in order.

*Mr. Sheppard.*] You are not a professional man.

*Mr. Reade.*] Yes I am, I am a member of the Bar.

*Mr. Sheppard.*] Then I object to your acting on behalf of any third person without an attorney, and you ought to be aware that it is irregular for any barrister to do so.

*Mr. Reade.*] Very well, I shall not say any more.

*Colonel M'Kerlie* (to *Hynes*).] Are you instructed by Mrs. Blake to come here?—*John Hynes.* I am, Sir.

*Colonel M'Kerlie.*] Then state what you have to say?—*John Hynes.* I hold a portion of those lands of Medlick, bordering the Shannon. The part of the land that is flooded

is the best, for it returns the best meadowing and grazing any time it is flooded, and the shore along it is a barren shore of rock, all the arable surface is taken away, and that is all I have to say about it.

Colonel M<sup>r</sup> Kerlie.] Is the extent of land put down in the schedule correct?—John Hynes. I hold only 17 acres of arable and pasture, and there is 17 acres put down in the schedule of land to be improved at Meelick.

Colonel M<sup>r</sup> Kerlie.] Do you say it will not be improved?—John Hynes. I don't think it can. The land is naturally very dry and requires water in the summer very much. If it does not get water the pasture gets dry and is burnt up.

Mr. Le Fèvre.] You are a tenant on the land?—John Hynes. Yes, sir.

Colonel M<sup>r</sup> Kerlie.] Is your holding subject to winter floods?—John Hynes. Yes, sir, a portion of it is, but only the winter floods interfere, for it is very high.

Colonel M<sup>r</sup> Kerlie.] It is not subject to summer floods?—John Hynes. No sir, I cut the lowest part of it for 19 years, and never lost a shilling's worth of hay.

Colonel M<sup>r</sup> Kerlie.] Do you consider the winter floods beneficial to you?—John Hynes. I do, sir.

Colonel M<sup>r</sup> Kerlie.] Mr. Lynan, do you know any of these lands?

Mr. Lynan.] I walked over those lands when Mr. Brasington and I were making the valuation of the lands for the purpose of this drainage scheme; and I examined them very carefully, and the valuation of this land is relative with that of the other townlands that we valued and scheduled.

Colonel M<sup>r</sup> Kerlie (to Hynes).] Do you wish to ask Mr. Lynan any questions?—Hynes. No, sir.

Mr. Lynan.] I walked over the lands about eight years ago, when making a valuation of the improvement that would result to them by a regulation of the waters of the river Shannon. I examined them very carefully, and the valuation I put on them is quite relative, as I have stated, compared with that put on the other townlands from Castle Connell to Lough Allen. I saw Mr. Blake himself and Mrs. Blake at the time, and, if I remember rightly, I was in the house and heard what they had to say.

Colonel M<sup>r</sup> Kerlie.] You say the charge is relative with that put on the other lands?

Mr. Lynan.] That is my belief, sir, as far as practicable.

Mr. Pexsey said the next objection was that of Dr. Bernard Cogan, for the lands of Tintern, page 4 of the Schedule, where the name was erroneously set down as Edward Burke.

" Dear Sir,

" Tintern House, nr Scariff, 29 January 1875.

" I regret to have the least objection to the contemplated drainage works, which are of such vast importance, a fact forcibly exemplified by the devastating flood of the present, the fourth of the kind since last August. My objection is, I presume, easily rectified.

" Yours, &c.

" E. Hornsby, Esq."

(signed) " Bernard Cogan.

" Shannon Drainage Act, 1874.

" The objection of the undersigned, owner of the lands of Tintern and Kilkittane, both situated in the Barony of Leitrim, Poor Law Union of Scariff, and county of Offaly:—1st. That those lands are not described properly in names of owners. 2nd. That the parts of the lands of Kilkittane proposed to be improved are occupied by tenants holding under lease, who should be charged with the cost; and thirdly, that Tintern and Kilkittane do not suffer directly from the waters of the Shannon, but from the overflowing of the tributary lake Alewnaghta, the outflow of which is checked by sand on the shore of Lough Derg, and also by the shallows having been left in the new drain leading from Lake Alewnaghta to Lough Derg, which drain was made, as objector is informed, under the Board of Works on a former occasion.

(signed) " Bernard Cogan,

" E. Hornsby, Esq."

" Tintern House, nr Scariff, 29 January 1875.

Colonel M<sup>r</sup> Kerlie.] What is the length of the lease under which the tenants hold?

Dr. Cogan.] It is a lease for lives; Her Majesty is one of the lives.

Mr. Le Fèvre.] That would not constitute them owners under the Act.

Dr. Cogan, having been sworn, said:—What I have to state is just what I have put in the objection which has been read. The parts of the lands of Kilkittane and Tintern which are proposed to be rated are not subject to be flooded by the Shannon, but by the tributary lake Alewnaghta. There is an immense fall of water, and no outlet, except through a narrow river which is choked up. There is a sand bank outside the mouth of the river on the Shannon shore; I cannot see that the tributary river from the lake to the Shannon is going to be touched by the drainage; certainly, if that was improved, I would have no objection to the work; but, if it is not going to be improved, I do not see how I could be benefited by the drainage of the Shannon. This small lake receives an immense fall of water from the mountains on the west, and a very considerable tract of high land on the south-west, so much so that in a few hours the lake will sometimes rise

Killes Inquiry.

as much as eight feet, while the outlet from it is very small indeed; so that it floods all my land, and that is the only flood-water likely to affect my land.

Colonel M'Kerlie.] What drain is it that you refer to in your objection?—Dr. Cogan. A straight cut leading from the lake to the Shannon. It was made a good many years ago, under the Board of Works; it was cut through the late Marquess of Clanricarde's property.

Colonel M'Kerlie.] Do I understand you to say that the floods in Lough Derg do not rise over your land?—Dr. Cogan. No, I think not.

Colonel M'Kerlie.] It is marked upon the plan as having been flooded in August 1861.

Mr. Rende.] I know the lands sufficiently well to know that Lough Derg does not affect them.

Dr. Cogan.] There was an immense flood in 1872; I have heard old people saying it was the highest that occurred for 40 years, and then all that country was flooded.

Colonel M'Kerlie.] Was it in the summer?—Dr. Cogan. No; the height of the flood was in the end of November.

Mr. Le Faux.] Did it flood this land?—Dr. Cogan. Yes; not alone that land, but the country all around it was a complete lake.

Mr. Le Faux.] Did the water from Lough Derg back over your land?—Dr. Cogan. I think not. I think it was the water that flowed down from the mountains into the small lake, and that the want of sufficient outlet from the small lake caused it to overflow and flood my land.

Colonel M'Kerlie.] Can you positively say that it was the upper water, or the water backing from Lough Derg, that flooded your land?—Dr. Cogan. I could not say, positively, because when the Shannon rises the two loughs unite, and form one continuous lake.

Colonel M'Kerlie.] Yes; that of course would be the result of a rising of the waters; the water from Long Derg would back over your land, unite with the water of Lake Alewnights, and form one continuous lake?—Dr. Cogan. I wish to state the case perfectly fairly; I don't wish to make a great point of it, but I do not think I would benefit in the slightest degree by the drainage of the Shannon, unless the small lake was provided with a fall, and a sufficient outlet.

Colonel M'Kerlie.] Yes, but if the works were carried out, and the waters of the great lake so controlled as never to rise above the level of your land, a small outlet would provide an outlet for the lake you mention?—Dr. Cogan. Quite so; if the sandbank was removed, and the two shoals in the new cut taken away, that would relieve us.

Colonel M'Kerlie.] There is no intention to include the drainage of any of the tributary streams in the general plan. Anything of that sort that may be required must be done as a separate work.—Dr. Cogan. That is what I feared, and it was on that account I objected at all.

Colonel M'Kerlie.] Of course the assessment on your land will be in consideration of its being relieved from flooding by the back-water from Lough Derg, and at the same time affording you the means of discharging the water from above through your own land?—Dr. Cogan. Yes, but I could not touch the new cut because it runs through Lord Clanricarde's property.

Colonel M'Kerlie.] You have not got the land on both sides?—Dr. Cogan. No, sir, not at all.

Colonel M'Kerlie.] Probably it was Lord Clanricarde made the new cut?—Dr. Cogan. Yes. I believe it was done by the late Marquess of Clanricarde. He expended a large sum in drainage, and I think the cut was made by him, but it was imperfectly made.

Mr. Rende.] He did it under the Board of Works, under the late Improvement Act.

Colonel M'Kerlie.] With regard to the extent of land mentioned in the schedule, have you any observations to make?—Dr. Cogan. No, sir, I have nothing to say as to that.

Colonel M'Kerlie.] Mr. Lynam, will you be so good as to give us any information you can on the subject of these lands?

Mr. Lynam.] What Dr. Cogan has stated is very nearly the same as I would myself say on the subject. I believe that when the Shannon water is high at Lough Derg, it covers the other ground between it and the other lake, and forms a continuous sheet of water. That is the way it is marked on the map by the engineers, who levelled it with a spirit level. It is quite true, also, as Dr. Cogan has mentioned, there is a carrier drain cut through the Marquess of Clanricarde's ground to carry off the water from Lake Alewnights into the Shannon.

Colonel M'Kerlie.] Do you remember that drain?

Mr. Lynam.] I do remember it, pretty well.

Colonel M'Kerlie.] Supposing the water was kept permanently down in Lough Derg, would it form sufficient vent for the small lake?

Mr. Lynam.] If it were kept clear I think it would; but there may be a sandbank a little down under Lough Derg that I didn't notice.

Dr. Cogan.] Yes, it is very shallow indeed, and in summer very little water on it.

Mr. Lynam.] It is quite possible that the constant wind which blows during the great part of the year from Tipperary side may have driven some of the sand from Lough Derg, and that it may be gradually accumulating near the mouth of the new cut.

Colonel

Colonel M'Kerlie.] I infer from the levels, as shown on the map, and from what you and Dr. Cogan have stated, that the land is subject to the overflow of back-water from Lough Derg.

Mr. Lyons.] It is, sir, or it may have been the height of the water in Lough Derg that prevented the water in Lough Alewnaghta from flowing out; which water actually covered the lands we cannot say, but it is the rise of the water in Lough Derg that occasions the greater part of the flooding.

Colonel M'Kerlie.] If it is all one lake does it not follow that Lough Derg passes over it?

Mr. Lyons.] It is possible that it may be its own water that remains in Lough Alewnaghta; it comes to the same thing whichever way it is.

Colonel M'Kerlie.] Not quite, for if Lough Derg did not pass over the land, and that it was only covered by the water of the upper lake, there would be the means, under existing circumstances, of protecting the lands from flooding, without any of the proposed works being carried out, would there not?

Mr. Lyons.] That would only partially be the case. I think if the water of the Shannon were always one foot lower than these lands, the water of its own country might, and would, still overflow it to some extent unless the drain were impeded.

Dr. Cogan.] It would be of no use to slack or impede the drain unless the sandbank were removed, because in the bay there, the wind from the north sets into it, and sweeps the sand in, and unless there was a channel opened I think it would be impossible to do anything with the waters of the little lake; it would be always kept back by the sandbank.

Mr. Le Poer.] What width is the sandbank; how much would you have to cut?

Dr. Cogan.] Very little, the breadth of the new cut is not more than 12 feet.

Mr. Le Poer.] I mean the sandbank outside.

Mr. Lyons.] I think the sandbank is at some distance from the mouth of the cut, but if the breadth of the channel were cut away I think the water would keep it open.

Mr. Le Poer.] And what length would it be?

Dr. Cogan.] I don't think it would extend more than from 50 to 60 yards.

Mr. Le Poer.] Then it would be a very small work.

Dr. Cogan.] A very small work indeed.

Colonel M'Kerlie.] Is the sandbank dry in summer?

Dr. Cogan.] No, there are three or four inches of water over it.

Colonel M'Kerlie.] I don't think it can have much effect, under these circumstances. Now, with regard to the valuation put upon the land in the schedule, what is your opinion, Mr. Lyman?

Mr. Lyons.] I examined it very carefully, and made an estimate of the value of the improvement, and the value I put upon it is, as nearly as possible, relative to that of other town-lands.

Colonel M'Kerlie.] Did Mr. Brassington agree with you?

Mr. Lyons.] He did.

Colonel M'Kerlie.] Do you feel any occasion to look at it again?

Mr. Lyons.] Well, I did not notice that sandbank that has been mentioned by Dr. Cogan, so that I cannot say anything positive about it. I think the drain would require some improvement; but that is a small affair, and may easily be done by the proprietors. I am sure Lord Clanricarde would give full permission to have it done.

Dr. Cogan.] I consulted his Lordship's agent about it, and he is even willing to assist to some extent; but I do not think any private individual could deal with the sandbank; it may require a steam dredger, or appliances that a private gentleman could not have at his disposal.

Mr. Lyons.] If my information be correct, the sandbank is so small that it would not be worth while putting a steam dredger to it.

Mr. Peasey said the next objection was that of Mr. Thomas Crowe, page 2 of Schedule. The name in the schedule was James Crowe; he had made the requisite correction. The objection was then read.

"Closaffida, Killaloe, County Clare,

"29 January 1875.

"Sir,

"In reference to the assessment made on the lands of Closaffida, on the property of Lord Lonsdale, in aid of the Government grant for draining certain portions of the River Shannon, I, as the representative of James Crowe, who was the owner of the said lands, beg to object, for the following reasons:—First, because the lands assessed are, for the most part, never covered by the waters of the Shannon; and, secondly, because the small portions that are annually inundated are, instead of being injured, very much improved thereby, as the yield of meadowing each year amply testifies.

"I am, &c.

"The Secretary, Board of Works,

(signed) "Thomas Crowe.

"Custom House, Dublin."

Mr. Thomas Crowe, having been sworn, said:—I am assessed for something over 8 acres, 8 a. 1 r. 25 p.; but I do not think there are more than 2 or 2½ acres of my land ever flooded; besides which, I do not think the proposed scheme would be of any benefit to me. I do not think it would be any advantage to have the winter floods taken away, as I think it is a benefit to the land to have it covered for part of the winter.

Killaloe Inquiry.

### Killdeer Inquiry.

[Colonel McKeel.] You say there are only two acres of your land flooded?—Mr. Cross. Yes, two or two and-a-half acres; about that; I never measured it.

Colonel M<sup>r</sup>Keane.] Do you mean Irish acres?—Mr. Cross. No, it would not make 2) Irish acres; I suppose it would be about two Irish acres; that is the nearest of what is liable to be flooded, to the best of my knowledge.

Colonel M<sup>r</sup> Kerlie.] Is it flooded in summer?—Mr. Crowe. Yes, that portion is often flooded in summer, for it is very low.

Colonel M<sup>r</sup> Kerlie.] Is it flooded now?—Mr. Cross. No, it is dry at present.

Colonel M<sup>r</sup> Kerlie.] The water is low just now?—Mr. Crowe. It is.

Colonel *M'Kerlie.*] But that portion of your land is liable to be flooded in summer? —

Colonel *M<sup>r</sup> Kerlie.*] Would not that injure you?—Mr. Cross. It would injure me in the summer; but I think the floods in winter are a service to me.

Mr. LE FORT.] Are more than two Irish acres ever covered by the winter floods?—

*Mr. Pease.*] The map shows a portion of it which is not subject to flooding, but saturation.

Colonel *M'Kerlie*.] Yet the eight acres which are valued in the schedule include not only the part of your land which is liable to be flooded, but also a portion which is not actually flooded, but very wet and saturated with water, and which would be dry if the Shannen water was lowered.—Mr. *Crouse*, I don't think my land would be benefited by that.

[Colonel M'Kerlie.] You do not think your land would be much improved by the drainage?—Mr. Cross. I don't think it would.

[Colonel M'Kerlie.] You are a tenant of Lord Leconfield, are you not?—Mr. Cross. I am, sir.

[Colonel M'Kerrie.] If the works are carried out, Lord Leconfield would be responsible for the charge, and it would be for him to arrange with you what you should pay him, if your land was improved.—Mr. Crosse. But it would not be fair to charge him for any more land than was relieved by the works.

[Colonel M'Kerlie.] That is his affair.

*Mr. Pessy.]* There are other tenants on the same townland who have sent in objections.

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" 85, George-street, Limerick, 29 January 1875.

<sup>44</sup> *In re Shannon Improvement Act.*

"On behalf of James Hayes, representative of Patrick Hayes and Patrick O'Brien, representative of Bridget O'Brien, I beg to object to the proposed drainage scheme on the Shannon. My clients are tenants of Lord Leconfield, and are living on the lands of Clonfadia, between Killaloe and O'Brien's Bridge, and the result of the proposed works would do these serious damage, as all their lands are perpetual meadow.

"I remain, Sir,

<sup>2</sup> E. Hornsby, Esq.,

(Signed) *P. S. Connolly.*

"Secretary, Board of Public Works."

Mr. Connally (Solicitor).] Gentlemen,—I appear in support of the objection which has been just read on behalf of the tenants of the lands of Clonfadda, the property of Lord Leconfield, and the objection I am instructed to make on their behalf is, that these lands at present yield unusually good meadow, but by depriving them of the winter floods which at present flow over the lands, you would seriously deteriorate their character as meadow lands, and greatly diminish their value. At present they do not suffer from summer floods to the same extent as other lands; they in fact do not suffer injuriously from flooding at all, and, if deprived of the winter irrigation, the character and quality of the meadow will be seriously deteriorated. I will show you by evidence that the portion of the lands which is subject to being flooded in winter obtains a higher rent and is more valuable than the portion which is not flooded. It is with that view they have come here to object, believing, as they do, that if the works are carried out, and the winter floods done away with, they will be injured instead of being benefited. Of course we can understand the point which has been mentioned by the chairman, that it is the landlord who would have to pay the assessment; but we are all aware that, in this country, if any tax is to be paid it is not paid out of the landlord's pocket, for though the landlord may pay it in the first instance, the tenant will have to pay it afterwards; and so it will be in the case, for if Lord Leconfield has to pay the charge, he will say that as the tenant gets the benefit he should pay for it in the shape of an increased rent.

[Colonel M'Kenzie.] There is one point I wish to explain, with reference to the probability of a landlord seeking to recoup himself from the tenants for the assessment which he may have to pay. If a landlord seeks to recover from his tenant a greater amount than the tenant believes he has had value for, it is open to the tenant to appeal to us, and we have power under the Act of Parliament to apportion the charge, as between the landlord and tenant, in such a manner as may be just and right under the circumstances of the case.

Mr. Connelly.] I know that you have that power under the Act of 26th & 27th Vict. c. 88, which I am aware is incorporated with the Shannon Act of 1874, but I am also aware

aware that the same powers are given you in many other cases, but that they have never been availed of.

Mr. *Le Fanu.*] There you are in error; these powers have been availed of in many cases.

Mr. *Cosnally.*] In the case of tenants holding under lease it may have been frequently availed of; but has it ever been exercised by a tenant holding from year to year?

Mr. *Le Fanu.*] Yes.

Mr. *Cosnally.*] I think, if that were done by a tenant, the chances are a notice to quit would be served on him.

Mr. *Le Fanu.*] That is not very probable, as the law now stands.

Mr. *Cosnally.*] I did not think you had the power to make any apportionment in the case of tenants from year to year.

Colonel *McKerlie.*] Yes, we have the power in those cases also under the recent statute.

Mr. *Cosnally.*] At the same time it seems to me, that even in cases where the tenant swears he gets no benefit from the proposed works, still, if you have made an assessment upon those lands, if you have assessed a certain sum upon the landlord, you will be bound to charge the tenant a proportion of that amount, even though he may have derived no benefit.

Colonel *McKerlie.*] The assessment will be proportional to the benefit derived. We have distributed the entire £100,000*l.* upon the different lands in proportion to the amount of benefit to be conferred on each. We do not say that the amount of the assessment is the increased value of the lands at all; it is the proportional part of the £100,000*l.*

Mr. *Cosnally.*] I think it, virtually, comes to the same thing. We have to pay a certain proportion of the £100,000*l.*, and you estimate that proportion according to the benefit which it is supposed will be conferred upon us.

Colonel *McKerlie.*] The landlord will have to pay that proportionate sum.

Mr. *Cosnally.*] Just so. For instance, in the case of Lord Leconfield, if you think Lord Leconfield has been done a certain amount of benefit in contradistinction to another proprietor, you assess him accordingly for his proportion of the £100,000*l.*, so that it virtually comes to the same thing. If we get no benefit we ought not to be charged anything.

Colonel *McKerlie.*] You are speaking of the tenant's case, not the landlord's. It is the landlord will have to pay, and if he wishes to impose an additional rent on his tenants, in order to recoup himself for his annual instalment, then if any tenant felt he was not receiving a benefit equivalent to the additional rent which the landlord sought to put upon him, it would be open to him to come to us and have the matter adjusted.

Mr. *Le Fanu.*] And in that case we would hear any evidence which either of the parties thought right to offer us.

Mr. *Cosnally.*] I think it comes to the same thing in this way; what you want to ascertain in this inquiry is, whether the assessment is too great or too little, and if incorrect, to adjust it. Is not that the object of this inquiry?

Colonel *McKerlie.*] We have given the proprietors an opportunity of stating what they think about it.

Mr. *Cosnally.*] Very well sir; I will examine my clients and they will tell you they believe the works will confer no benefit upon them, and that, on the contrary, the prevention of the annual floods will do them serious injury.

JAMES HAYES, sworn; Examined by Mr. *Cosnally.*

Are you a tenant of Lord Leconfield?—Yes, sir.

Where is your land situated?—Between O'Brien's Bridge and Killaloe.

How many tenants are there with you, on Lord Leconfield's property, whose lands shut on the river?—Three others and myself.

How many acres of land are there between the foot of you, abutting on the river, that produces at present good meadows?—All the lands.

Are those lands at present liable to winter floods?—They are.

Is the character of the meadowing improved by the winter floods?—There is about three or four times as much meadowing on the lands that are inundated as on the lands that are not.

Are there portions of the fields higher than those abutting on the river?—Yes, sir.

In the same field, have you land that is flooded and land that is not?—Yes.

And do you swear that the land that is flooded produces a better class of meadowing than the land that is not?—Yes; there is some of it not flooded, and for one ton of hay that is on the part not flooded there will be four or five tons on the part that is.

That is with regard to some portions?—Yes.

And with regard to the other portions, is your evidence of the same character?—It is; some of it is in meadow and some grazing, but the part that gets the winter flood is the best.

Colonel *McKerlie.*] Is the quality of the soil the same in the two portions you allude to, the part which is not flooded, and that which is?—Yes, sir, it is all the same.

All the same quality of soil?—All the same quality, and the higher the water rises, so that it covers parts that are not covered in other winters, we have the better hay in the harvest following.

Killaloe Inquiry.

Is the grass and herbage of the same nature on the dry land as on the low land?—It grows more craggy on the dry land, it does not grow so luxuriant at all.

Is it the same description of grass?—It is.

Which produces the best quality of hay?—There is no difference in the quality of the hay.

It is generally found that the grass growing in wet places is of a coarser kind than the grass growing on dry land?—Well, it grows stronger on the wet land, but there is none of the land wet in summer; it is perfectly dry in the summer time.

Mr. Connolly.] This is not a case where we want to prevent the summer floods and to preserve the winter floods. You had such cases in Baunagh and Portanna; but this is a case where we have no summer floods.

Colonel M'Kerrile.] As shown on the map, more than half of the land would appear to be subject to summer floods, at all events it was covered on the occasion of the summer flood of 1861. The levels were traced with great care, and this land was certainly within them. There appears to be about half an acre of dry land which is never flooded at all, and that is the portion, I presume, the witness refers to. Below that comes the portion which is covered in winter floods only; but it would seem that about a half of the area of the land is liable to summer floods.

Mr. Connolly (to Witness.)] Do you recollect the summer flood of 1861?—(Witness.) No, sir, not altogether.

In latter years have you been subject to summer floods?—Yes, a little; but only about a quarter of an acre was covered.

Colonel M'Kerrile.] What year was that?—(Witness.) Any year, sir.

You are speaking of summer floods generally?—Yes, sir.

In 1872, which was a very wet season, was it flooded?—Oh yes, sir, but we had our hay off at that time.

PATRICK BRENNAN; Examined by Mr. Connolly.

Are you a tenant of Lord Leronfield?—Yes, sir.

Do your lands adjoin those of the last witness?—No, sir, Poe is between us.

Do your lands adjoin the river?—No, sir, Poe's lands are between me and the river.

Are your lands subject to winter floods?—Sometimes it comes on for a few days.

Do you consider that an advantage to them?—I don't consider it is, sir.

No advantage?—No, sir, I don't consider it any advantage in the world to me.

What I mean is this, do you think the winter flood does you any harm?—No, sir, I do not.

Is a portion of your land meadow?—Yes, sir; I grazed it last year.

Had you meadow before that?—Yes, sir.

At the time you had meadow was the portion subject to floods as productive as the other?—Yes, sir, and heavier hay on it; and there is not as much of my land flooded as is measured.

How much of your land is flooded?—Two acres is the most that is flooded, and there are four acres put down.

Mr. Le Poer.] Do you mean Irish acres?—Yes, sir. The meadows that are next to the Shannon, I never saw them flooded.

Mr. Connolly.] I have other witnesses to examine, sir; they will all give you the same evidence. I don't like taking up your time repeating the same thing, but there is a gentleman here who has a great deal of experience, Mr. Edward Fitzgerald; I would like to examine him.

Colonel M'Kerrile.] Has not he lodged an objection himself?

Mr. Connolly.] Yes.

Colonel M'Kerrile.] Then perhaps the best way will be to examine him when his case is called?

Mr. Connolly.] Very well, sir; then I do not offer any further evidence in the present case.

Mr. Pease said the next objection was that of Michael Digan, page 2 of schedule.

“Sir, “Boss House, O'Brien's Bridge, 29 January 1875.

“As I am one of those who are taxed for the drainage of the River Shannon, I write to let you know that I oppose it as being excessive and unnecessary.

“Yours, &c,

“E. Hornsby, Esq.”

(signed) “Michael Digan.

Mr. Connolly said he appeared in support of this objection.

Colonel M'Kerrile.] Are the grounds of objection the same as in the other cases?

Mr. Connolly said yes. His grounds of objection were twofold; firstly, that the winter floods, so far from being detrimental, were a benefit to the meadows; and secondly, that there was too large an area set down in the schedule as being liable to flooding.

Colonel M'Kerrile.] With reference to the second ground of objection, it is right to explain to you that the outlines of the lands liable to flooding were traced with very great care

care and precision on the Ordnance Map by very competent officers, who took as their data the level of the ordinary winter floods, as ascertained beyond all doubt from the records of a series of years which are in our possession, and the level of the August flood of 1861, of which we have also an accurate register. Those were the data from which the contour lines were drawn, and upon those data the survey and valuation were subsequently made with great care, and checked by perfectly competent persons; and of course, being made by officers of experience and skill, with reliable and accurate data before them, they are more likely to be correct than the opinions of persons who have not studied the matter with the same care and attention.

MICHAEL DIGAN, sworn. Examined by Mr. Cawdery.

You have land abutting the Shannon?—Yes.

For what quantity of land are you assessed?—I don't exactly know.

Is some of your land liable to winter floods?—Yes.

Is more of it not subject to those floods?—Yes.

The portion which you subject to winter floods, do you meadow it?—No.

What do you do with it?—Grass it.

Do you find the winter floods of service to the land?—Well, they are of service.

Are you subject to summer floods?—No.

You are assessed?—Yes.

Do you see any advantage likely to arise to your property in consequence of these weeks?—No, not the slightest.

Colonel M'Kerrile.] Is Mr. Digan the owner of the land?

Mr. Cawdery.] I think so, sir. [To Digan.] Are you the owner or tenant of the land?—Digan. I am a tenant.

Do you hold under lease?—No, sir.

Colonel M'Kerrile.] In what way do the winter floods advantage you?—The water comes on and continues for a few weeks in winter; and after it goes away, the grass grows a great deal faster and more plentifully.

But if the floods were kept down, would you not be able to keep your cattle on the land longer than you do now?—I do keep them on it all through the winter, except when we get heavy floods.

Mr. Penny said Mr. Moreland's was the next objection, schedule, page 2.

"Shannon Act, 1864.

"Raheen's Manor, Toghraney, County Clare,

"28 January 1875.

"Gentlemen,

"I hereby give notice that I object to the valuation and assessment of those portions of the townland of Raheen and Ballyquin, being my property, situated in the parish of Toghraney, Barony of Upper Tulla, county of Clare, and Union of Scariff, as specified in the Schedule and Map annexed, drawn up by your directions, and lodged in the Scariff Union Workhouse. I object for various reasons, and amongst others: First, that a large portion marked green is stated merely to have been saturated in an extreme year, but not flooded, and does not therefore come under the provisions of the said Act, while such portion can at any time be drained if necessary, independently of the Shannon drainage. Secondly, I object because the removal of the floods, especially of the winter floods, will greatly deteriorate the value of the remainder of the said lands in Schedule and Map, and there is no damage done even by autumn floods that cannot readily be guarded against; and for other reasons, to be stated hereafter.

"I am, &c.

"To the Commissioners of Public Works,  
Ireland."

(signed) "W. J. H. Moreland.

Mr. Penny said Mr. Moreland had lodged a second objection, which he would now read; so that both might be disposed of together:—

"Shannon Act, 1874.

"Raheen's Manor, Toghraney, County Clare,

"28 January 1875.

"Gentlemen,

"I hereby beg to object to the description of the lands charged, and the sum charged thereon, with respect to the lands of Raheen and Ballyquin, in the parish of Toghraney, Union of Scariff, Barony of Tulla, and county of Clare, I being the owner thereof; because a portion of the said lands, the quantity of which is not stated, but marked green in the Map, are not stated to be flooded, but saturated with water; and because the remainder of said lands, stated to be flooded and marked in the Map red and blue, are not injured, but greatly improved by the said floods, and will be greatly injured by the removal of the winter floods, and consequently reduced in value; and for other reasons, to be stated hereafter.

"I am, &c.

"The Commissioners of Public Works."

(signed) "W. J. H. Moreland.

Killakee Inquiry.

[*Mr. Moreland.*] I appear in support of those two objections. Those lands, so far from receiving any benefit, will be greatly injured by the proposed works. At present they produce from 7*l.* to 4*l.* or 5*l.* per acre, but if the flooding is removed, I do not think they will be worth more than 30*s.* an acre; at least, those portions of the lands that are not flooded produce very little grass, while those that are, produce heavy crops. I have had them from 22 to 25 years, and they are invariably in producing heavy crops of hay. If the floods are taken away, they will be worth very little; in short, the poorest land in the country would be equal to them.

[*Colonel M'Kerlie.*] Is this land near Scariff?

[*Mr. Moreland.*] It is between the lake and Scariff. In my opinion, the taking away of the winter irrigation would be destructive to the meadows. It is a peculiar quality of land, and of no value unless irrigated, but it produces very heavy crops in consequence of being irrigated. It is scarcely ever injured by autumnal floods. Last year the crops produced by some of the fields were enormous, in consequence of the irrigation. I don't like to mention the quantity, because one may readily make a mistake, but it really was as much as I ever saw any meadows produce; in fact, wherever the lands are thoroughly irrigated, the crops are extremely, and if the flooding is taken away, the result will be very injurious.

[*Colonel M'Kerlie.*] Are you ever injured by summer flooding?

[*Mr. Moreland.*] Scarcely ever. I am two feet or two-and-a-half above the level, and the water never rises in sufficient time to injure me. I generally have the crops cleared away before the floods come; if I don't, it is my own fault.

[*Colonel M'Kerlie.*] There is very little of your land shown on the map to be subject to summer floods, but there is a good margin, apparently, liable to flooding in winter.

[*Mr. Moreland.*] Yes, that is correct.

[*Colonel M'Kerlie.*] Beyond that, there is a portion shown on the map as not liable to flooding, but injured by saturation.

[*Mr. Moreland.*] That was only in one year; there was one year in which it was injured, but it really has not been injured lately. There was one terrible year about fifteen years ago, when it was said to be injured. I think you have a note of it in the observations respecting that year; but in general the lands are not flooded at all in summer.

[*Colonel M'Kerlie.*] The lands are not marked as being liable to summer floods, and only part of them are stated to be subject to winter floods; but they are stated as lying so low that they are injured by saturation.

[*Mr. Moreland.*] The first part of the land is that which is most flooded. That is the part that produces the heaviest crops.

[*Colonel M'Kerlie.*] Do you see the part coloured green on the map? What do you say as to that?

[*Mr. Moreland.*] That has not been injured so far as I know for the last 15 years.

[*Colonel M'Kerlie.*] Is that tolerably dry, or is it damp land?

[*Mr. Moreland.*] It is fairly dry, only sufficiently damp to make it grow good crops of grass.

[*Mr. Le Poer.*] Would that land be improved by thorough drainage?

[*Mr. Moreland.*] Any improvement that it is capable of in that way could be done independently of the proposed Shannon works.

[*Mr. Le Poer.*] Have you a fall from that land into the Shannon under present circumstances, so that you could drain it?

[*Mr. Moreland.*] Yes; quite sufficient. That land is not low down; not like the land at the other side of the river which is exposed to deep floods.

[*Mr. Le Poer.*] How often do you suffer loss by extraordinary summer floods?

[*Mr. Moreland.*] Scarcely ever. There was one bad year when there was some loss, but I think the loss arose more from the inexperience of the persons who had the meadow that season than anything else. I let the grass generally, and in that year some of the purchasers of the meadow lost some of their hay; but I have never lost any considerable quantity of hay, and if I did it was my own fault through neglect, because the land is sufficiently high to enable it to be saved if proper diligence is used.

[*Colonel M'Kerlie.*] Then your statement is that you would derive no benefit from the proposed drainage works?

[*Mr. Moreland.*] Not only no benefit, but a great injury. So much so, that I would rather be for letting things alone.

[*Colonel M'Kerlie.*] Do you wish to call any witness in support of your case?

[*Mr. Moreland.*] No. What I have said contains all that is necessary.

*Colonel M'Kerlie* asked *Mr. Lynas* to state his opinion as to the way in which the lands in question would be affected by drainage.

[*Mr. Lynas.*] I remember these lands pretty well; and I think what the gentleman has stated, with some small exceptions, as to the lie of the lands and the description of them, is very nearly accurate; but I found a margin by the river, and where the river enters the lake, of about three Irish acres, that is lower than the rest, which was certainly flooded in August 1861; and which, of course, may be flooded in all future cases, by floods of that magnitude. The rest of the land is high, but is marked as having been flooded in 1870. I think that mark is correct. The land by the river is very good, and gives very good meadow. I made the valuation of the improvement on these lands on the same principle as I made it on the other lands, and I still think it is quite correct.

[*Colonel M'Kerlie.*] What about the part coloured green?

Mr.

Mr. Lyons.] It is liable to saturation. There is part of it cut-away bog, as near as I can remember, and of a very wet nature.

Mr. Moreland.] May I ask you what you base your estimate of the improvement on, because so far as I know, the improvement extends merely so far as the winter floods cover the lands, and if you take away these floods, how would they be improved?

Mr. Lyons.] I am of opinion the lands would be improved.

Colonel M'Kerlie.] Did you agree with Mr. Brassington in the valuation you made of the improvement of those lands?

Mr. Lyons.] I did, sir. I do not think that Mr. Brassington was with me at the time I was on the lands, but we saw them separately, and compared our calculations afterwards, and we agreed in opinion.

Colonel M'Kerlie.] Was the proportion of the charge you placed upon these relative to that upon the other lands?

Mr. Lyons.] It was quite so, as far as my judgment goes.

Mr. Moreland.] How much do you think the lands would be improved? I will show you that they are worth at the present moment from 7*l.* to 4*l.* or 5*l.* per acre; few of them being less than 5*l.* If the floods are taken away, I am satisfied they will not be worth more than 30*s.* an acre. I want to know how you make out that the removal of the winter floods will benefit them?

Mr. Lyons.] Which floods do you say benefit you?

Mr. Moreland.] The winter floods which cover the lands for a portion of every winter, and irrigate and fertilise them. If you take away those floods what will become of the meadows? Nothing will be left but a dry, hard, moory land.

Mr. Lyons.] I do not contemplate taking away the winter floods.

Mr. Moreland.] What floods do you intend doing away with?

Mr. Lyons.] The harvest floods and the summer abstraction.

Mr. Moreland.] That was not what I understood to be the effect of the contemplated works.

Colonel M'Kerlie.] You say the valuation you put on these lands is proportionate to what you put on other lands similarly situated?

Mr. Lyons.] Yes, sir; but perhaps I am bound to tell you what is in my mind. I agree with Mr. Moreland that the winter flooding is of service to the land, and I think the valuation which we put on them for the improvement would be too large if the winter floods are not judiciously preserved. That observation applies to the whole of the Shannon lands.

Mr. Moreland.] I beg your pardon; from the peculiar lie of the land in this case it can only be flooded so as to benefit it. There are only four months of the year in which it can be flooded, and those are months when benefit is done, and not injury, to the land by being covered. It receives the good without the bad; it happens to be so much elevated as to be benefited by the flood without being injured.

Mr. Peary read the next objection, which was as follows (page 4 of Schedule):—

"Sir, O'Connell, Killaloe, County Clare, 29 January 1875.

"I beg leave to state that on yesterday, the 28th instant, I learned that my property is land, in Caher and Belkelly, in the above county, on the estate of George Frederick Purdon, Esq., were assessed certain sums in aid of the Government grants for the purpose of draining portions of the River Shannon which annually inundate several properties along its banks, and I hereby take the liberty of objecting to said assessments on two grounds: first, because I am assessed for more land than the Shannon ever inundates; and secondly, because the portions of the land thus inundated are not at all injured, but on the contrary, are very much enhanced in value, as the yield of meadowing each year amply proves.

"The Secretary, Board of Works,  
"Custom House, Dublin."

"I am, &c.  
(signed) "Henry O'Brien.

Mr. Peary.] There is also a telegram in reference to the same lands.

Telegram from Michael Holland, Belkelly, to the Secretary, Board of Public Works, Dublin.

"We beg to observe there is more acreage charged to us than we hold; also the drainage will be more injurious than otherwise."

The following objection from Mr. Hunt, stated to be the agent of the owner of the lands, Mr. Purdon, was read:—

"Shannon Drainage.

"Sir, Limerick, 9 February 1875.

"On behalf of George F. Purdon, Esq., owner of the Tinnismon estate, near Killaloe, we object to the proposed works on the ground that no benefit will be derived therefrom by the said George F. Purdon, or his tenants.

"E. Hornsby, Esq."

"We are, &c.  
(signed) "Robt. Hunt & Son.

Killaloe Inquiry.

Colonel *McKerlie*.] Does anyone appear in support of Mr. Purdon's objection. (No reply.)

Mr. *Connolly*.] The assizes are going on to-day, and I think Mr. Hunt is engaged there.

Mr. *Henry O'Brien*.] I appear in support of my objection.

Colonel *McKerlie*.] Has Mr. Purdon authorised you to appear for him?

Mr. *O'Brien*.] No; he is in England. I appear on my own behalf.

Colonel *McKerlie*.] State the grounds of your objection.

Mr. *O'Brien*.] I am charged with more land than the waters ever cover. I am charged with 11 acres & roads 30 perches, a good deal of which is never flooded. I would rather it was all flooded, for there is better meadowing on the part that is covered than on the part that is not; and I think it will be injured if the water is taken off. In the next place, the valuation is too high; the value put on it for the improvement is nearly double Griffith's valuation; while, in my opinion, the meadowing would not be so good as it is at present if the floods were taken off.

Mr. *Le Faux*.] You think the winter floods benefit you?

Mr. *O'Brien*.] Yes, because it is bog, and if the water were taken off the land would split and crack, and there would be no crop on it.

Mr. *Le Faux*.] You also say there is too much land charged?

Mr. *O'Brien*.] I do, sir.

Colonel *McKerlie*.] The map indicates that more than half of this land is not flooded; it is only shown as saturated; you say it would be better if it were all flooded?

Mr. *O'Brien*.] Yes, I think if it was all covered it would produce a larger crop of hay.

Colonel *McKerlie*.] Would it be better if the land was capable of being made dry?

Mr. *O'Brien*.] I don't think it would.

Colonel *McKerlie*.] You would rather keep it in the wet state it is in now than have it dry.

Mr. *O'Brien*.] Yes, I think if the upper part was irrigated it would be better.

Mr. *Le Faux*.] Yes; but as you cannot irrigate it, would you rather have it in the way it is now than dry?

Mr. *O'Brien*.] Yes, sir; I would sooner have it as it is now; it is dry in summer.

Colonel *McKerlie*.] You have never been injured by summer floods?

Mr. *O'Brien*.] Oh, never; I have had it these 30 years, and never lost anything.

Colonel *McKerlie*.] Is it cut-away bog?

Mr. *O'Brien*.] No, not that part; there is part of it on the verge that is cut-away bog.

Colonel *McKerlie*.] You do not graze it?

Mr. *O'Brien*.] No, I have never grazed it these 30 years.

Colonel *McKerlie*.] Could it be tilled if it were made dry?

Mr. *O'Brien*.] I don't know, sir; there is bog in it, and marsh under it.

Colonel *McKerlie*.] Is the upper part of it bog, too?

Mr. *O'Brien*.] It is not altogether; there is some stuff on it.

Colonel *McKerlie*.] Is it fit for tillage?

Mr. *O'Brien*.] No.

Colonel *McKerlie*.] Then the only improvement it is capable of receiving would be to make it more subject to floods than it is now?

Mr. *O'Brien*.] Well, sir, there is no part of it subject to flooding only in winter; I can always take my hay off of it.

Mr. *Perry* said the next objection was that of Mr. Robert G. Parker, page 4 of Schedule.

"Sir,

"Ballyvally, Killaloe.

"As one of the proprietors on the banks of the Shannon, whose land will be affected by the proposed drainage, I beg to enter my protest against it, as I do not think I should be benefited to the amount for which I am to be taxed."

"Yours, &c.  
(signed) "Robert G. Parker.

"E. Hornsby, Esq."

Mr. *Parker*.] I stand in support of that objection. I very seldom suffer from unusual floods, and I consider the winter floods of service to me. The water very often rises over the part marked red on the map, but it seldom rises over the part marked green. In 1873 it did rise over part of it, and some of the crop was lost; but I think that arose from the bay being later that year than usual.

Colonel *McKerlie*.] Did you suffer any loss of hay in 1873?

Mr. *Parker*.] Yes; I was not able to save some of it; I attribute it to the exceptional wetness of the season.

Colonel *McKerlie*.] The flood came upon it?

Mr. *Parker*.] Yes.

Colonel *McKerlie*.] If the flood had not come upon it, would you have been able to save it?

Mr. *Parker*.] No, I think not, I cut it too late in the year; I do not think I would have been able to save it in any case.

Colonel *McKerlie*.] What do you say as to the upper portion, which is not flooded at all?

Mr.

Mr. Parker.] A good deal of the portion that is not flooded is very wet; but I do not think the drainage of the Shannon would improve it.

Colonel M'Kerlie.] Could it be drained, do you think?

Mr. Parker.] I think the water of the Shannon would throw the water back into the drains?

Colonel M'Kerlie.] Suppose the Shannon were kept at its present summer level, do you think that in that case the land could be drained?

Mr. Parker.] Yes; I think then it could be drained, and that it would perhaps do for tillage; but probably I would be better off as it is.

Colonel M'Kerlie.] You do not object to its being kept wet in winter?

Mr. Parker.] No, I do not; I rather think the winter floods are of service.

Colonel M'Kerlie.] Suppose the water of the Shannon was kept low during nine months of the year, so as to allow the thorough drains to discharge freely, would you derive benefit then?

Mr. Parker.] Not much; I think the water in the winter would be thrown back in the drains, and that the drains would be liable to choke. There is a portion coloured green on the map not injured at all by water.

Colonel M'Kerlie.] That is only marked as saturated?

Mr. Parker.] No, it is not even saturated, and on the part marked red I am always glad to see the water rise in winter, because it makes a better crop.

Colonel M'Kerlie asked Mr. Lynam to state his opinion with reference to the land in question.

Mr. Lynam.] I examined those lands for the same purpose, and in the same season that I did the others that have just been referred to. I consider the outlines as laid down on the map correct, and that the valuation I put on it is relative to what was put on the other townlands of the Shannon.

Mr. Parker.] Relative to what?

Mr. Lynam.] To the whole district.

Colonel M'Kerlie.] What is your opinion about the land which is not flooded, but which is shown to be wet by the map?

Mr. Lynam.] My opinion with regard to that land is, that drainage, either thorough drainage, or slight open surface drains, would render it more valuable, as a much better quality of grass would grow upon it afterwards, and the crop would ripen early, and be more valuable. With regard to the difficulty which it is stated would arise in thorough draining the land, if the Shannon was to rise high in winter, and throw back the water into the drains, no one would contemplate keeping the Shannon at as high a level in winter as it has hitherto been. A much lower level would be quite as serviceable in the way of irrigation. In my opinion the surface of the Shannon should be kept at a level from 12 to 18 inches lower in winter than it has hitherto been; and if that were done, by cutting thorough drains three or four feet deep, as I have done myself on part of my own farm, you could make the land considerably more valuable.

Mr. Parker.] If the water were 18 inches lower than the present winter level, my land would be scarcely flooded at all.

Mr. Lynam.] It would not; and you could surface drain it, though you could not thorough drain it, and it would be greatly improved. I am sure the valuation Mr. Brasington and I put on that land is small compared with the value we put on other lands; we put a very low valuation upon it considering the circumstances.

Mr. Parker.] Do you see a ditch on the upper side of that marked on the map?

Mr. Lynam.] Yes, parallel to the road.

Mr. Parker.] On the upper side of that ditch we are never injured by flooding. There is a little hollow between that and the road that is wet.

Mr. Lynam pointed out on the map the portions of the lands which were injured by floods.

Colonel M'Kerlie requested Mr. Lynam, as the lands were not far from Killaloe, to look at them again and report his opinion upon them.

Mr. Lynam promised to do so.

Mr. Preney.] The next case is that of Mr. Philip Reade, page 10 of the Schedule.

" 28 January 1875.

" I object to the valuation of Clonaty Connaught, Cappaduff, and Knockaphort, in the county of Galway, under each and every heading as set out in the schedule, for drainage.

" Philip Reade."

" To the Secretary, Board of Works."

Mr. Reade.] I object to this assessment on the grounds which have been stated by the other witnesses, namely, that the taking away of the winter floods would be injurious instead of beneficial, and I have a special reason for objecting, for I have already full experience on the subject, a former improvement executed by the Board of Works having taken away a very considerable winter flood, but instead of benefiting me it did me injury. The Shannon used to overflow the public road almost every winter, and the former works carried out by your Board took away that flood; and the river never now approaches the road, and the consequence is, that about 70 acres of my land were deprived of winter flooding, and these 70 acres of ground are vastly deteriorated. I am, therefore,

Killaloe Inquiry.

therefore, not speculating on a thing that may happen if these contemplated works are carried out. I am arguing from what has actually taken place within my own experience, for the former improvement left my land a great deal worse than it was before; instead of being flooded, it is now saturated. Now if the present improvement was a real drainage, if it lowered the Shannon permanently, I don't say that I might not be able to improve that land that is now saturated; but it is not going to do that; it is going to make the Shannon more level, it will take away some of the winter flooding, and keep up the summer, by bringing it to a higher level than at present; saturation will, therefore, be increased instead of diminished, and instead of having the land, that is now saturated, made dry, it will be worse than before; neither wet nor dry. Formerly there was a flood on those lands every winter, which came up on the high road and remained for about four months; it then gradually fell to a level, a great deal lower than now; the effect of the improvement which was carried out some years ago is to lower the water in winter, but to raise it in the summer; and I have a letter in my pocket that will prove it. Thirty years ago I complained of this to Colonel Jones. I informed him that the result of these works had been to take away the winter flood, but to raise the summer floods; that we had more water in summer than we had before, and that the Shannon used formerly to fall several feet lower in midsummer than it does now; the consequence of the former state of things was, that in winter, when the lands wanted irrigation, they got it, and that in midsummer we had dry ground for making hay. Now all this is changed; the Shannon is brought to a more equal level, and the land is saturated, more or less, the whole year. The change has been an unfortunate one for me, but I fear things will be made worse by the present contemplated improvement, because the water will be kept to a greater level, and the portion now partially flooded will be saturated in winter, instead of being wet, while in summer there will be more water than at present, so that I consider the effect of the drainage will be to make the land neither one thing nor the other. As to the amount of the assessment it is really so small, I do not like to say a word about it, but I wish to state that I have never in my life lost any meadow by summer floods within my recollection, and I have a witness who knows the land longer than I do, who will prove the same thing. I wish, however, to say that I am very anxious that the river should be put under some regulation, so as to save the people's hay from being carried off in the autumn.

*Mr. Le Poer.]* Is the hay on any portion of your land carried away by autumn floods?

*Mr. Reade.]* I never knew it to happen in my time, but I have seen other persons' hay under water; however, I think it was very much the fault of the people themselves who did not take it away in time.

#### BRYON GEOGHEGAN, sworn; Examined by Mr. Reade.

Do you know this land?—I do, sir.

Have you land adjoining it?—I have.

Did you ever know upon any occasion the bay to be injured in summer?—Never, sir; I never knew you to lose a ton of hay, nor myself either.

Are the lands that are flooded in winter better than those that are not?—Deable.

*Colonel McKeerie.]* There is one matter I wish to mention to you, Mr. Reade, that you are under a wrong impression in supposing the summer level of the river will be higher if the works are carried out, than it is now. The water will be maintained at its present summer level of Lough Derg, and it will be so regulated by the proposed works as to keep it at that level during the whole summer season, and will such an advanced period of the year that there could be no possible injury from summer floods.

*Mr. Reade.]* Unfortunately that would not benefit me, for I am saturated at this moment.

*Colonel McKeerie.]* Yes, but you said the effect of the proposed works would be, that in summer the water would rise higher than it does now; I wish to explain to you that in that supposition you are in error.

*Mr. Reade.]* I was afraid that would be so. Then I understand the proposed works will effect no change in the summer level of the river?

*Colonel McKeerie.]* None; but they would entirely save you from injury by autumnal floods coming on the land; and they would also save you from ordinary winter floods. Extraordinary winter floods, such as rise to more than usual height, would still pass over the lands; but the floods that occur every winter you would be entirely free from, if the works were carried out. *Mr. Lynam,* will you please state your opinion as to the effect the proposed works would have upon these lands?

*Mr. Lynam.]* I examined these lands in 1867, and walked over them, and made an estimate of the amount of improvement that would be conferred upon them in yearly value by regulating the waters of the Shannon. The valuation which was made by Mr. Brassington and myself of the improvement in these lands was made by us upon the same principles, and in the same manner as that of all the other townlands in the district. I have not seen the lands recently, but I examined them very carefully at that time, and made the valuation as correctly as was practicable, and I am satisfied it is quite relative with the valuation put on the rest of the land in the district. The portion that was covered

covered by water in August 1861 was a shallow narrow margin by the water, and it is quite possible it may have escaped the notice of the tenant; but I believe the outline, as drawn on the map, is perfectly correct.

Colonel M'Kerlie.] You have heard Mr. Roode state that previous to the former Shannon works being carried out, between 1840 and 1852, he had an additional quantity of 70 acres of land subject to floods; that the effect of the works was to relieve those lands from floods, but that, as far from their being benefited, they have been injured. You have heard that stated?

Mr. Lyman.] Yes.

Colonel M'Kerlie.] Can you explain that?

Mr. Lyman.] I do not think I could explain that satisfactorily without seeing the ground. It is so many years since I have been there, that I do not know the portion he alludes to.

Colonel M'Kerlie.] You have no recollection of it?

Mr. Lyman.] I have a general recollection of it, but not sufficient to enable me to speak with precision.

Mr. Roode.] I would freely give a considerable sum to have the winter floods restored. If any works could be contrived which would give me back the winter floods, I would be very happy to contribute.

Mr. Maccloud.] I would be very happy to do the same; it would be a great benefit to me.

Mr. Peany said the next objection was that of Mr. H. R. White, but his case was heard at Portumna. Two of his tenants also objected.

The next objection was that of Mr. William Smithwick, page 38 of Schedule. His objection was as follows:—

"Sir,  
"I beg to say that I object to be charged for the drainage of the Shannon."

"Youghal House, Youghal, 30 January 1875.

"I remain, &c.  
(signed) "W. Smithwick,

"The Secretary,  
"Board of Public Works, Dublin."

There being no one in attendance in support of Mr. Smithwick's objection, the next case was taken up.

"Sir,  
"I hereby give notice that I object to the proposed Shannon Drainage Works, as also to the sums to be charged on my property at Birdhill on account thereof."

"Birdhill House, Birdhill, 28 January 1875.

"I remain, &c.  
(signed) "George Twiss.

"The Secretary,  
"Shannon Drainage Commissioners."

"Gentlemen,  
Having heard of the Commissioners of Public Works intending in respect of the works contemplated on the River Shannon, I respectfully object to reference to your plans being carried out, as, if they are carried into effect, I will suffer a very serious loss; for instance, my adjoining meadows to the River Shannon, on Birdhill estate, paid me last season 1,000*l.*, which would be a serious loss to me annually, which I feel confident you will not incur on me."

"I remain, &c.

"The Commissioners of Public Works, (signed) "George Twiss,  
"Custom House, Dublin." "Birdhill House, Birdhill, Limerick."

Mr. Francis Shepherd, Solicitor,) I appear on behalf of Mr. Twiss in support of that objection, and I respectfully contend that this is one of the cases that it never was intended the Act should apply to at all, because, as I have had the honour of submitting to you at Portumna the other day, the scope of this Act—I shall not read the words to you again—but it sets forth that its object is to improve these lands bordering on the River Shannon which still remain subject to injurious flooding, and that it would be a great public and local advantage if works were executed by which the said lands would be relieved. Now, the case of Mr. Twiss is, that his lands are not subject to injurious flooding, that therefore they do not come within the scope of the Act at all, and that the "relief" that would be afforded to them, by taking the floods away would, in point of fact, be very detrimental to them. I am in a position to prove that for a series of years, commencing in 1864, and ending with the present year, those meadows have realised for Mr. Twiss an income averaging about 800*l.* a year, commencing with 612*l.* in 1864, and amounting last year to 958*l.* These sums Mr. Twiss has received year by year for those meadows. They are irrigated by the Shannon remaining upon them every winter, and the effect of that irrigation is that they afford what may be called perpetual meadow; and the case I am instructed to make on behalf of Mr. Twiss is, that if any works are executed which would remove those floods, he would be injuriously affected, and instead of gaining 110*l.*,

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which is the assessment put upon him under the provisions of this Act of Parliament, he would be a serious loser. I am in a position to prove, by Mr. Twiss and his bailiff, the facts which I have stated, and I have the books here, which are very carefully kept, and show the sum received for the meadows each year. I may also observe that, during the time I have mentioned, no injury has ever been sustained by summer flooding, unless persons who leave the hay until a very late period of the year may sustain some injury, but if they do it is their own fault.

Mr. Twiss, sworn; Examined by Mr. Shepherd.

What is the acreable content of those lands?—One hundred and twenty-five acres.

Have you an account showing the sums received each year for the meadows?—I have (produce it). In 1864 the amount received was 612 £; in 1865, 552 £; in 1866, 774 £; in 1867, 854 £; in 1868, 670 £; in 1869, 780 £; in 1870, 813 £; in 1871, 768 £; in 1872, 732 £; in 1873, 880 £; and in 1874, 859 £.

Mr. F. Fox] At what time of the year are the meadows set?—Mr. Twiss. In the autumn.

Mr. Shepherd.] In the month of July, I understand, sir.

Mr. Lyons.] Kindly tell me the amount produced by the meadows in 1866?—Mr. Twiss. £. 774.

Mr. Shepherd.] I should mention that, in addition to the meadows included in this return, there are other portions of the land forming part of Mr. Twiss's estate occupied by tenants, and I understand that those portions have been equally productive, and that the taking away of the water off the lands would have the same injurious effect upon them as upon the portions in Mr. Twiss's own possession. In fact, on behalf of Mr. Twiss and his tenants, we submit that we should be left alone. The benefits to be derived from the accomplished lowering of the Shannon will be derived by the lower district, and the lands bordering on the Suck, and other places where the lands are injuriously flooded, and not by proprietors so circumstanced as Mr. Twiss is.

Mr. Lyons.] Can you give me the receipts of Mr. Twiss's meadows for 1861 and 1862?

Mr. Shepherd.] We did not bring those with us; I thought a period of 10 years would be sufficient.

Mr. Lyons.] We usually take a period of 14 years.

Mr. Shepherd.] If it be desired, it can be furnished.

JOHN HASSETT, sworn; Examined by Mr. Shepherd.

Are you in the employment of Mr. Twiss?—Yes.

How many years?—About 16 or 20.

During that time, and previous to it, have you been well acquainted with the callow lands?—Yes, sir.

Tell the Commissioners, are these lands flooded in winter, and during what period?—Yes, sir; they are always flooded in the winter season.

At what time?—Sometimes it comes on earlier, sometimes later; say about the end of November, and remains two, three, or four months, according to the season.

I believe the water is particularly low just now?—It is.

What has been the effect of the irrigation upon the lands during your recollection of them?—I think every place the flood comes on gives the best of meadow, and the best quality of hay.

That is accounted for by the deposit said to be left on the land when the flood goes away; is there, to your knowledge, such a deposit left?—Yes, and where the flood does not come is the worst of our meadow.

Can you by the quality of the grass see the place to which the flood reaches?—Yes.

And your evidence is, that where the flood does not reach the meadow is not so valuable?—It is not.

How long does your knowledge of these lands extend?—About 40 years.

During that time have they been producing meadow?—They have.

I believe the men who purchase the meadow do not leave much grass on the land when they take the crop away?—Well, sir, they leave as little as they can; they cut it close.

Do you think the land would be capable of producing meadow for 40 years, if it was not for the irrigation of the Shannon?—In my opinion, it would not produce meadow at all as good as it does, only for the Shannon floods.

Would the quality of the grass be as good?—No, sir; any place where the land is flooded, there the meadow is the best.

Do you know what it produced last year?—I do.

Was it 959 £?—Something about that.

Are those lands subject to summer floods which injure the meadow and take away the hay?—No, sir, I never knew it to be flooded in the harvest, only two or three years in my memory.

I presume if the people were more lively, and had taken away their hay in time, no damage would have occurred?—A good many of them had taken their hay away, and some more had not.

Wee

Were these two or three years the only occasions on which any damage was occasioned by autumnal floods?—That is all I can recollect.

The portions of the estate which are in the occupation of tenants, are they of a similar character of land?—Yes.

And do the same observations apply to them?—Yes.

Mr. *Le Poer*.] Has Mr. Twiss ever had to make an allowance to any of the men that have purchased the meadowing for losses incurred by reason of autumn floods?—I never recollect such to occur, only in one year.

Only in one year?—That is all, to my recollection.

Was that in 1861?—I cannot exactly say, but it was some time about that.

Was much meadow lost in that year?—No, sir, there was not, but he made some allowance to parties in that year.

Colonel *McKeele* requested Mr. Lynen to state his opinion as to the lands in question.

Mr. *Lynen*.] I know these lands very well, and have been over them several times; I valued them for the general valuation several years ago, and I was there when the flood was on them. The land is all very good; some parts of it are exceedingly good, and part of it produces good horse hay as can be found. They let for large prices; but I saw nearly the whole crop destroyed in 1861, and I saw the water up over the lowest parts of it, and ready to go over it all if we had another rainy night, on some three or four occasions since. I valued the land on the same principle, and with the same care as I did all the other lands of the district; and I believe my estimate of the improvement that would result from the regulating of the Shannon water is relative with what it is for all the other lands in the district.

Mr. *Sheppard*.] Was the year 1861 the year of the great flood?

Mr. *Lynen*.] It was the year of a particularly great harvest flood.

Mr. *Sheppard*.] Can you speak of any other flood that was of the same character as the flood of that year?

Mr. *Lynen*.] Yes; there was one in the September of another year; I think 1872 or 1874; I saw them on that occasion.

Mr. *Sheppard*.] Don't you think it is a good proof that there is not much damage done to the land by autumnal floods, to find that the owner never had to make any allowance on that account except in one year?

Mr. *Lynen*.] That depends on the bargain he makes with the men who take the meadow; perhaps the bargain is, that they shall take all the risk.

Mr. *Sheppard*.] Is not that the usual bargain in the country, that people take meadow as a man takes his wife, "for better or worse"?—Well, not always, some landlords make an allowance to those who take the meadow, and some do not.

Don't you know that if a man takes a meadow by auction, and if he has a reasonable time to save it, he has no claim on the owner if he loses any of it by floods?—Well, some landlords do make an allowance in case of loss. In some parts of the Shannon district the rule is, that if one man takes away his crop of hay safely, then if others lose their crops, or any part of them, it is presumed to be their own fault, and they must bear the loss; but if the flood comes before any of the men have saved their hay, then the landlord makes an allowance. The rule at Bonagore is, that they don't charge in case of loss. There are different regulations for different portions of the river.

Do you know the Kilmastown river?—I do.

I believe that river is fed a great deal from mountain sources?—It is.

Can you state whether the flood which you saw covering the lands was not to a great extent caused by a rise of that river?—This schedule and these maps do not charge any of Mr. Twiss's ground on the border of that river.

That is not an answer to my question.—The lands that are injured by the Kilmastown river, and not by the Shannon, are not charged.

Do you know of your own knowledge, on the occasions of this flood, how much of it was occasioned by the overflow of the Kilmastown river, and not the waters of the Shannon?—I think it was occasioned by the waters of the Shannon.

How do you know?—I was there and saw it.

Do you know of your own knowledge what year you are speaking of?—I am speaking of the flood of August 1861.

Will you undertake of your own knowledge to say that in August 1861 the flood was not caused by the overflow of the Kilmastown river?—I think it was not. There is a portion of the land near the railway station where the Kilmastown river is very crooked, and at that point possibly that river did flood it. That portion was not charged in the schedule. I did not see that part of the lands at the time.

How near did you go to the flood?—I walked in part of it up to my ankles.

Where were you standing in 1861 when you were on the land?—In 1861, and on subsequent occasions, I walked over the lands; my feet were under water all through.

To what extent?—Up to my ankles.

You don't know to what extent the flood was caused by the Kilmastown river?—I am sure the subsequent floods were entirely caused by the Shannon, and none by the Kilmastown river.

You used an expression just now, the relative value; explain what you mean by it; do you

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you believe Mr. Twiss's lands would be improved to the extent of 110 £ a year by the proposed works?—I did not put that sum on them.

How much did you put upon them?—I don't remember; but it was not so high as that.

Does your memory enable you to state what sum you put on?—No, my memory does not, but I tell you candidly I did not put so much on them.

Perhaps you did not put on even half as much?—I did, more. Let me give as full an answer as I can to your question. I put on a sum per year on Mr. Twiss's property, very nearly equal to two-thirds of what is on the schedule.

When did you make that valuation?—I think in 1867.

I believe at that time it was calculated that the proposed works would cost about 150,000 £?—More than that.

How much more?—Well, that is matter of opinion. My estimate of the cost of regulating the Shannon was, I think, 140,000 £; but Mr. Bateman, who was more accredited than I was, estimated the cost at 280,000 £.

Are you aware how much additional cost has been put on since that?—Well, it is now 300,000 £, but to make my answer clearly understood I should tell you that the two estimates do not refer to the same thing. The first estimate referred to the whole of the Shannon, from Castle Connell to the head of Lough Allen; the present estimate only goes from Castle Connell to Limerick.

Can you give the Commissioners any idea as to what would be the benefit to Mr. Twiss; how do you think the drainage of the Shannon would improve his land at all?—Yes; I have heard it stated in very clear terms by others before now.

You are aware of the benefit the lands at present derive from irrigation?—I am.

I think on a former occasion you stated that the waters of the Shannon, when leaving the lands, leave behind a deposit of animalculæ?—Yes.

You are aware the land is highly manured by that deposit?—I think it is manured,

And if the irrigation is removed then the manure is gone?—Yes.

Then what equivalent would Mr. Twiss get in return for the assessment proposed to be put on him?—The equivalent, in my mind, is this: that those meadows, some of which are let at 8 £. an acre, and varying from that down to about 3 £. 10 s.—

Mr. Twiss.] There are none let so low as that.

Mr. Sheppard.] £. 5 an acre is the lowest.

Mr. Lyons.] It is a wonderful thing that several acres of meadow should be let in concourse so high as 8 £. an acre, but I believe it is correct.

Mr. Sheppard.] Some of them have produced 11 £. 15 s. an acre; would that surprise you?

Mr. Lyons.] I saw two acres of meadow sell for 22 £, but we fled over went on it, and never could.

Mr. Sheppard.] That may be, but that is not the point, nor is it any answer to the question I asked you. Mr. Twiss's land is flooded every winter, and it produces from 11 £. 15 s. to 5 £. an acre; the question is, how could you by drainage increase the value of that land?

Mr. Lyons.] Then I must tell you this: every year these meadows are set in concourse to the country people, and every year they are in danger of having their crops destroyed before they are sown.

Mr. Sheppard.] No; that is not the evidence.

Mr. Lyons.] It is the fact, within my own knowledge. They were destroyed on one occasion which I saw, and they were in the greatest danger of being destroyed on two or three subsequent occasions; and if on these subsequent occasions another rain-fall had occurred, the crops would most undoubtedly have been destroyed again. The tenants have no security that the floods may not come at any moment and sweep all before them. Now if they are willing to give 8 £. an acre for some portions, and from that down to 5 £. an acre for other portions, even notwithstanding the insecurity, how much more would they give if they were certain of being able to save the crops?

Mr. Sheppard.] Now I will give you a little sum to do; if once in 20 years the flood comes, and a landlord makes an allowance, say of 20 £., on account of the loss thereby occasioned, is he to pay 67 £. a year for 35 years for being relieved of that?

Mr. Lyons.] Those data are not fair, in my opinion, at all.

Mr. Sheppard.] I think they are quite fair; the witness has sworn he never knew any loss to occur except once in 40 years; and yet you put on 67 £. a year, that is, two-thirds of 110 £.; you have stated that the valuation you put on was two-thirds of the assessment, so that it must have been 67 £. a year.

Mr. Lyons.] I beg your pardon, the danger of loss of crops by autumnal flooding was only one of the elements we had to consider. There is another element.

Mr. Sheppard.] What is the other?

Mr. Lyons.] Injurious saturation, which in spring is very detrimental to the meadows.

Mr. Sheppard.] Does that exist now?

Mr. Lyons.] It does; and will continue till the Shannon waters are regulated; I have seen the injurious effects, and know them.

Mr. Sheppard.] How do you account for these meadows producing such a crop, if they labour under the injurious saturation you have described?

Mr. Lyons.] The meadow will be better when the saturation is removed. It has been

been already stated, and I know it to be true, that some of those meadows set at 8 £. an acre, and some at 5 £. What is the cause of this difference? One great cause why the 5 £. meadows do not produce 8 £. an acre is, that they are saturated, and perished too long in the spring, and the grass is in consequence not so good. The grass on the best quality meadow is the kind known as cat's tail, or dog-tail grass; two of the best qualities of grass for meadowing purposes; but the grass on the meadow which is liable to spring saturation is of a coarser kind; very much consisting of common sedge. Now if these meadows were drained, the quality of the grass would improve decidedly. I have examined several of those wet meadows, and found clover plants, rye grass, and other fine qualities of grass of a diminutive size, which cannot grow up, because the coarse sodgy grass grows better than they do; but if you prevent the saturation the fine grasses will flourish, and the meadows which now set at 5 £. or 6 £. an acre, will produce 8 £.

Mr. Le Faux.] I think in the evidence you are now giving as to the improvement of those lands, you contemplate the prevention of the autumn floods and the spring saturation, but you propose that the winter floods shall still pass over them?

Mr. Lyons.] I do, sir; I contemplate that the winter floods shall still pass over them, not in a wild irregular manner, but in an orderly manner.

Mr. Sheppard.] How can you do that? How can you control the floods?

Mr. Lyons.] That is what I believe I can do.

Mr. Sheppard.] How? Can you bring Jugifer from the clouds?

Mr. Lyons.] I believe there would be no difficulty whatever, by the expenditure of a very moderate sum of money, in freeing Mr. Twiss's land, and all the other lands on the Tipperary side of the Shannon, from Killaloe to the World's End, from autumn floods, while preserving and regulating the irrigation in winter.

Mr. Sheppard.] The evidence is that there has been, practically speaking, no injury from autumnal floods.

Mr. Lyons.] I tell you I saw it myself.

Mr. Sheppard.] You saw it once.

Mr. Lyons.] No, twice.

Mr. Sheppard.] Can you give me the years?

Mr. Lyons.] I cannot at this moment, but I know I saw them hauling away the hay out of the water, and carrying it away in carts to high ground. Now, you have put a question to me, and any one who might see that question put and not answered, would have a false impression on his mind, unless you allow me to answer it fully. There is, in my opinion, no difficulty by an expenditure of a moderate sum of money in freeing the lands owned by Mr. Twiss and the other gentlemen on the Tipperary side of the river from Killaloe to Castle Connell, to a certainty from autumn floods, and to a certainty from saturation by spring and summer floods, and putting the Shannon waters over them for a period of about three months every winter.

Mr. Sheppard.] Let me mention one matter which I think will surprise you. I presume the saturation chiefly affects the portion of the land nearest the water?

Mr. Lyons.] It does not such thing.

Mr. Sheppard.] The contrary, then.

Mr. Lyons.] Yes, the contrary. The best part of the callows are close to the Shannon, and that is because they are from 9 to 12 inches higher than the inland part. Mr. Twiss will tell you if I am mistaken in saying that the best part of his callows are six inches higher, although nearer to the river.

Mr. Sheppard.] Then am I to understand that the further the land from the river the less the saturation?

Mr. Lyons.] As a general rule, no such thing; it depends on the circumstance of the different meadows.

Mr. Sheppard.] Would not the lands adjoining the river be more saturated than those lying 100 yards from it?

Mr. Lyons.] Not necessarily.

Mr. Le Faux.] It would depend altogether on the height of the land.

Mr. Sheppard.] Is it not the best meadow, that adjoining the river?

Mr. Lyons.] Part of it. There are some portions of meadow adjoining the river not so high as the rest, and they are not so good.

Mr. Sheppard.] Then your general evidence is this, that the improvement to be effected on Mr. Twiss's land you would assess about 67 £. a year, and for which the Commissioners propose to assess about 111 £. a year for 35 years, would be the relieving him from autumnal floods?

Mr. Lyons.] Yea, and also from saturation in spring. If you come there with me, I will explain the whole of it to you on the ground.

Mr. Sheppard.] I do not understand the effect of your evidence with regard to saturation.

Mr. Lyons.] My opinion is this, and it is founded upon most careful observation and mature consideration, that if the Shannon lands were secured from saturation only, even if they were still left subject to the autumnal floods, the relief from saturation would, of itself, increase their value from 3 £. to 4 £. an acre per annum.

Mr. Sheppard.] Are you aware there is no such thing as saturation mentioned in this Act of Parliament?

Mr. Lyons.] I don't think the Act of Parliament was carefully drawn at all; but I had no hand in it.

Killaloe, Tuesday.

Killarney Inquiry.

Colonel M<sup>r</sup> Kerlie.] Can you tell me whether the quality of the meadow growing close to the river is better than that which is more distant from it on those alluviums we are talking of?

John Hassett.] The quality of the lowest part of the meadow is the best. The best of it is the part that is flooded the most; the part of it that is high is not near so good a quality as the lowest.

Mr. Lynam.] I think there is a mistake in that. I am not impeaching the man's word at all, but I think he is mistaken.

Mr. Sheppard.] Of course, the nearer the land is to the river the greater the amount of water will be on it.

Mr. Le Fessu.] That does not follow at all; it depends on the level of the land.

Colonel M<sup>r</sup> Kerlie.] It appears to be a fact beyond all doubt, as Mr. Lynam stated, that the effect of the winter inundation is to throw on the land an alluvial deposit, and of course in a series of years its tendency is to raise that part higher than the interior.

Mr. Twiss.] In setting my meadow, I get more for those along the edge of the river by fully 2*t.* an acre than 1*t.* do for the interior.

Colonel M<sup>r</sup> Kerlie.] Is the land along the edge of the river higher or lower than the land inside?

Mr. Twiss.] Well, it is lower; it slopes in.

Mr. Le Fessu.] That is frequently the case with the lands along the Shannon; the land adjoining the river is higher, and slopes down to the interior.

Colonel M<sup>r</sup> Kerlie.] Yes, the land falls away from the edge of the river in many places; you say, however, that the quality of the grass close to the river is better than what is more distant from it?

Mr. Twiss.] Yes.

Colonel M<sup>r</sup> Kerlie.] Do you think that if the water could be kept at its present summer level during the whole of the summer months, we will say from March until November, do you think if the water could be prevented from rising beyond its present summer level during those months, and letting it rise in the winter, it would be any benefit to you?

Mr. Twiss.] Yes, I think that would be a benefit, but I never knew the flood to rise on these meadows in the summer.

Colonel M<sup>r</sup> Kerlie.] I asked you whether you thought, if the water could be kept from overflowing your lands in the summer, and saturation prevented of course during nine months of the year, and the water allowed to flow over the lands during the remaining three months, that would be a benefit to you?

Mr. Twiss.] Yes, but I never recollect the water to have overflowed my lands in summer; only about three times altogether in the latter end of the harvest.

Mr. Sheppard.] And your memory extends over 45 years.

John Hassett.] Yes.

Mr. Lynam.] Mr. Sheppard was so warm with me during a part of his cross-examination that I forgot to mention one matter; namely, that one of the elements of the improvement was this, that the waters ought to be kept higher in the end of May and during the whole of June than they have hitherto been; for if they were kept during the dry parts of May, June, and July, within a foot of the surface, instead of being three or four feet under it, there would be a greater quantity of meadow.

Mr. Twiss.] I am satisfied with the water I have.

The Case of Mr. Edward O'Farrell was then taken up.

The following objection was read:

" Sir,

" Carrigeen, Birdhill.

" I am a tenant holding under George Twiss, Esq., of Birdhill. That portion of the meadow land I hold is never flooded. As I am suffering from rheumatism, I am unable to attend at the board room at Nenagh to see what the numbers are.

" E. Honshy, Esq."

" I am, &c.  
(signed) " Edward O'Farrell."

Mr. Sheppard.] I am not instructed to appear for Mr. O'Farrell; but I presume the character of the land he occupies is the same as that in Mr. Twiss's own possession.

Mr. Hassett.] I never knew the Shannon to go on Mr. O'Farrell's land; he is very far away from the Shannon.

The following objection from the tenants of Ervina (page 2 of Schedule) was then read:—

" Sir,

" Ervina, Clonlara, 29 January 1875.

" We hereby give notice that we object to the 27th and 28th, and about the drainage of the River Shannon passing by O'Brien's Bridge. We hereby certify the lowering of the Shannon would be of much injury to our land adjoining.

" We remain, &c.

(signed) " John Burke,  
" Edward Burke.

" Patrick Shee,  
" Edmund O'Hara."

" The Chief Secretary, Board of Works,  
" Dublin."

EDMUND

**EDMUND BOURKE**, one of the Persons whose Names were Signed to the Objection, came forward, and was Sworn.

He said—The taking away of the waters from the meadows would be the greatest injury to them, because they would not stand meadowing at all, only for the water.

Colonel M'Kerlie.] Do you suffer from summer and harvest floods?—We did suffer from them for a few years, sir, but if we did, there is a way of taking off the back-water that could be adopted. I mean for ourselves to bank it, and take away all harvest floods, but the tenants would not do it, for they see no occasion for doing it.

They don't think it worth while?—No, sir.

How far are you above Castle Connell?—I am half a mile from Castle Connell.

Are you close to Mr. Vincent?—Yes, sir, quite close to Mr. Vincent.

Suppose you could have the water kept at summer level during nine months of the year, and to have the winter floods still allowed to flow over your land, would that be any benefit to you?—No, sir, it would be no great benefit, for we could do it for a few pounds ourselves.

Supposing it was done for you, would it be a benefit?—It would not. I don't think it would be a bit.

Mr. Le Fanu.] Suppose the landlord did it for you, would it be a benefit?—I don't suppose it would be a benefit.

Would it be some?—It might be a little.

Colonel M'Kerlie.] Have you lost your crops at any time?—Never, sir, never! no, sir. Was it injured?—The flood did injure it a couple of seasons. It was injured in 1861.

Was it injured since then?—It was, sir, but that was through the means of late cutting. It was left too long.

Would it be an advantage to you to be able to cut it when you liked?—If it was cut in July or August, it would not be injured.

If a dry year came, would you not like to be able to cut it late?—Well, if there was three or four feet of water on part of it, there would be a treble quantity of grass on that part over and above what would be on the rest.

Would it not be a useful thing to you to be able to cut it late?—If the meadow be left without being cut, it would not be a good meadow at all.

Colonel M'Kerlie.] Are any of the other tenants who have signed the objection here?—*Edmund Bourke*. Yes, sir. The four of them are here.

Colonel M'Kerlie.] Is their evidence the same as yours?—*Edmund Bourke*. Yes, sir. None of them were ever injured by the floods.

Mr. Penny said the next objection was that of Martin Coules (Schedule, page 12).

"Sir,

"Kildorres, O'Brien's Bridge, 29 January 1875.

"I hereby give notice that I object to the 27th and 28th, about the drainage of the River Shannon passing by O'Brien's Bridge. I hereby certify that the lowering of the Shannon would be of much injury to my land adjoining.

"I remain, &c.

"The Chief Secretary, Board of Works."

(signed) "Martin Coules."

Martin Coules said he was in attendance to support the objection. We will have no meadow at all if the water is taken away.

Colonel M'Kerlie.] Are you situated the same way as the other tenants?

Coules.] The very same. The water is all our dependence.

The next objection was as follows:—

"Ardnasagh, O'Brien's Bridge,

"Sir,

"28 January 1875.

"You are hereby required to take notice that I object to the assessment laid on me under the provisions of the Act 37 & 38 Vict. for the drainage of the River Shannon, as being excessive and unnecessary.

"I am, &c.

"The Secretary, Board of Works,  
"Custom House, Dublin."

(signed) "Dennis Cusack."

Dennis Cusack was called, but was not in attendance. The following was then read:—

"Ardaglo, O'Brien's Bridge,

"Sir,

"29 January 1875.

"I hereby give notice that I object to the 27th and 28th, about the drainage of the Shannon, passing by O'Brien's Bridge. I hereby certify that the lowering of the Shannon would be of much injury to my land adjoining.

"I remain, &c.

"The Chief Secretary, Board of Works."

(signed) "Michael Cusack."

Colonel M'Kerlie.] Does any one appear in support of that objection? (No reply.)

Killaloe Inquiry.

Mr. Penny read the next objection, which was that of Mr. Alex. A. McNab.

"*Marn Lodge, O'Brien's Bridge,  
28 January 1875.*

"Sir,

"I hereby lodge with you my objection to the assessment laid upon me for the drainage of the Shannon under the Act 37 & 38 Vict. c. 60. I consider I will not derive any benefit from the proposed drainage, and I can also prove that my land is benefited by the floods coming on it. You will please lay this before the Commissioners, that my objection may be heard at the meeting to be held at Killaloe at the time appointed.

"Yours, &amp;c.

(signed) "Alex. A. McNab."

"Board of Works Office, Dublin."

*Mr. P. S. Connolly, solicitor.]* I appear on behalf of Mr. McNab, who is a very large proprietor, and he has to repeat the complaint which has been made by other parties, namely, that the removal of the winter floods would very seriously injure his land.

*Mr. Le Feuvre.]* Does not Mr. McNab's property lie between O'Brien's Bridge and Castle Connell?

*Mr. Connolly.]* Yes, sir, on the Limerick side. Mr. McNab has expended a large sum of money in improving his property, and he will be able to give you evidence of the injury that would accrue to him by reason of this work. I heard Mr. Lynham state just now, that in making the assessment, regard has been had to the benefit the parties will relatively derive from the contemplated drainage of the Shannon; but on that principle, if I can show that Mr. McNab will receive no benefit at all; does it not follow that he should not be assessed? On the other hand, if the proprietors along the Suck will receive benefit from the proposed works, and from the stoppage of the autumnal floods, why should they not be called on to pay for it, and why in the name of common justice should people who get no advantage, be called upon to pay for people who get all the advantage? Another point which should not be lost sight of is this: The proprietors on the upper portion of the river, no doubt, will be benefited if the work goes on, but what arrangement is to be made for the protection of the people below? How is it proposed to deal with the enormous increase of water which will be thrown down from Killaloe to the World's End? If this work is carried on there must be an enormous quantity of water thrown down between Killaloe and the World's End, for the result of the increased drainage must be to increase the volume of water; and the proprietors are anxious to know what arrangements will be made for the purpose of taking away that water, otherwise you will completely deluge the lower lands lying between here and Castle Connell. So strongly are people under that impression in Limerick, that the corporation of that city instructed their representatives in Parliament to watch the Bill for the purpose of seeing that arrangements were made to prevent any injurious consequence from the throwing down of the water; and there was an undertaking given by Sir Michael Hicks Beach, that every care would be taken to protect the interests of the proprietors in and about Limerick. I suppose you are aware of the tremendous fall there is between Killaloe and Limerick. The difference of level in a distance of 15 miles, being not less than 97 feet, whereas for 100 miles along the upper portion of the river the fall is a much less number of feet.

*Colonel M'Kerlie.]* It was part of the instructions conveyed to Mr. Bateman and Mr. Lynham, that the works must not injuriously affect the lands below the point at which it is proposed the works should terminate, that point being the World's End. Mr. Bateman, whose plans have been selected by Government, has stated that there is no difficulty in effecting that object; that there shall be no injury whatever to any of the land below that point.

*Mr. Connolly.]* The portion I referred to was the portion between this and Castle Connell.

*Colonel M'Kerlie.]* Yes; he says in his report, "By your Lordships' Minute of 21st of May 1866, I am restricted to the consideration of the improvements required in the river above Werbi's End; but with this provision, that the results must not injuriously affect the lands or other interests below this point."

*Mr. Connolly.]* And does he say he has carried out that?

*Colonel M'Kerlie.]* Yes.

*Mr. Connolly.]* Well, sir, I propose to examine Mr. McNab in reference to the manner in which his lands will be affected by the proposed works.

*Mr. Alex. McNab, sworn; Examined by Mr. Connolly.*

How much land do you hold Mr. McNab?—About 210 statute acres.

Who is your landlord?—Sir Richard De Burgh.

Was that land in occupation of your father?—It was.

Did your father improve it very much?—He did; he improved it a good deal while he had it.

Have you continued those improvements since you became tenant?—Yes; I have drained it under the Board of Works, and for the last six years have been improving the land under the brow of the river.

Describe how your lands are flooded.—When heavy rains come in winter the meadow lands

lands are flooded, and the deposit thrown by the water measures the land. During the last winter, we had one in the end of October, another before Christmas, and the last flood was in January. Those three floods came one after the other, and there is a deposit of two inches on the meadows, from the river.

From previous experience of the result of that deposit, do you think that is an advantage?—I am convinced that it is; I know that if the meadows were not flooded, the deposit would not come on, and the meadows, which are now worth £10 a. an acre, would not be worth £4 as pasture.

What do you get for those meadows now?—Well, I cut them myself.

Are they valuable meadows?—Yes.

What are they worth?—About £1. an acre.

Were you one of the proprietors who were apprehensive of the deluge of water that would be occasioned by the works?—Yes; because I see at the present time that the neck of land below the World's End is not able to carry away the water coming down. The Shannon is very narrow there, and when the water comes down it is thrown back upon us by the lock at Durrow, and if an extra volume of water is sent down where will it go?

Mr. Connelly.] I wish just to mention this matter in order to show you that the people are alive to it.

(To Mr. McNab.) Do your observations as to the benefit derived from the floods apply to all the lands?—Yes; there are patches of land here and there somewhat different; some of the soil is very retentive clay, and which, if not drained, holds the water for two or three weeks.

The water does not improve that class of land?—No.

Is that the class of land you have?—It is not.

Are you prepared to swear that there will be no benefit done to your lands by the proposed works?—None.

Did you look at the schedule to see how much you were assessed?—Yes.

How much?—There is another man mentioned with me; the annual charge is 36 £ 17 s. 9 d.

I believe that sum for 36 years represents 1,260 £?—Yes.

Colonel M'Kerlie.] Have you examined the nature of the deposit which is left on the meadows by the floods?—I have.

What is the nature of it?—It appears to me to be a kind of animal deposit; you can see white little things through it. When there is a deep flood, the deposit is very thick; this year I remarked it particularly. There is a slip on part of my land where we draw up our boats, that was flooded this winter, and when the water fell off there was a deposit of two inches on the stones. The same class of deposit is left on all the meadows. It is evidently an animal deposit, composed principally of small insect fish, such as we see on the rocks. With regard to autumnal floods, do you suffer from them?—No. With regard to saturation, I remember the time the engineers came round in 1861. Before that time there was a great tract of waste bog, which is marked red in the map; this was covered with water, and a swamp, and of course the engineers marked it saturated; I have since then drained it.

Do you suffer from saturation at all now?—No. That land that was then a swamp is now good tillage land.

Colonel M'Kerlie.] It is not marked on the map as saturated land; it is put down as liable to flooding.

Mr. Le Fanu. Is it flooded now?—Mr. McNab. The water flows over part of it; any hollow or low spot is covered.

Mr. Le Fanu.] Is that the land you have drained yourself?—Mr. McNab. Yes.

Mr. Le Fanu.] Does the water convert it now?—Mr. McNab. Not all of it. I raised it over the level of the water, and it does not now cover it. There are hollows in it that the water may flow over, but it drains off in consequence of the drains I have opened through the land.

Colonel M'Kerlie asked Mr. Lyons to look at the lands, as it appeared there had been improvements effected in it since the valuation survey was made.

Mr. Lyons promised to do so.

Mr. Connelly.] I have evidence in corroboration of Mr. McNab's statement; but I think there is no necessity.

Mr. William Headach, of Johnstown, whose case had been adjourned from Portumna, asked to have his objection considered now (Schedule, page 26).

Mr. Lyons.] I walked over the lands yesterday, including the townlands of Johnstown, Arasagh, Cameron, and Glenbower, part the property of Mr. Headach, and part of Mr. Minchin. I went over all the lands which are proposed to be taxed, and examined them very carefully. Portions of the land are on the shore of the lake, and are very poor soil, partly shrubby and irregular. It is doubtful whether the owner would thoroughly drain those lands, or till them; he might possibly plant them. On the lands of Johnstown, the property of Mr. Headach, there is a portion of good meadow the charge on which appears to be a little higher than the injurious influence of the Shannon would warrant. In addition to the notes I made yesterday on the ground, I would require to see the registry

*Kilkis Inquiry.* of the flood-gauge levels, and to recalculate the effects of the floods on those lands before I could arrive at the accurate figures as to the value of the improvement. It also would seem proper that I should consult Mr. Brassington. My present impression is, that it would be right to make some alteration, but the extent to which that alteration should go, I am not able at the present moment to lay before you.

Mr. *Le Fanu.*] You will have the means with the gauges of properly defining the area.

Mr. *Lynam.*] I will.

Mr. *Le Fanu.*] Can you state what portion of the upper division of Johnstown was covered by the high flood of January last?

Mr. *Lynam.*] On the townland of Johnstown, the property of Mr. Headach, I found in many places the mark or marks of a recent high flood, and I have reason to believe that was the flood of last January. I happen to know the height of the water that day at Portumna, and there was only a very small portion of the upper part of Johnstown covered by that flood.

Mr. *Le Fanu.*] You have not the means of stating how much?

Mr. *Lynam.*] It would not exceed two or three acres.

Mr. *Headach.*] There were not two acres covered in the upper division, nor half an acre.

Mr. *Lynam.*] I find one piece would make 2 rods 20 perches, and there were two or three other bits. There was only a small portion of the upper part of Johnstown covered by the floodsmarks I saw yesterday, and which I believe to be the marks of the flood of last January, but then it is a question whether there should not be a charge put upon the land for saturation, as though not covered by the flood, the water came within a few inches of the surface of the meadow, and the question is, whether something should not be charged upon it, as in other cases, for saturation.

Mr. *Headach.*] I certainly mean to contend and insist upon it that, without saturation, you would get no meadowing off that land. As to the flood of January, it only covered a very small portion of the land, and it did not remain upon it more than a couple of days; in fact, it was a storm caused the water to rise upon it. Without the saturation, I would never be able to meadow it; and it is land I would never think of tilling, for I do not think it is suitable for tillage. It pays me better as it is. I therefore object to any change, so far as the upper part of Johnstown is concerned. As to the lower part, I think the winter floods leave a deposit on it which is a benefit to a certain extent.

Colonel *M'Kerlie.*] We will have an inquiry made by Mr. Lynam, who thinks it is advisable to make certain alterations in the assessment of these lands, for which purpose it is necessary that he should calculate the quantities he considers liable to flooding. I think it will also be necessary that we should have Mr. Brassington's opinion on the subject; the facts which Mr. Lynam has ascertained, and the evidence which has been given with regard to the lands will be put before him, and he and Mr. Lynam will then make such alterations as they think proper.

Mr. *Headach.*] Will it be necessary for Mr. Brassington to visit the lands?

Mr. *Le Fanu.*] He has seen them before.

Mr. *Headach.*] I would respectfully ask that if Mr. Brassington or Mr. Lynam visit the lands again, that they would be so good as to inform the proprietors, so that they may be on the spot to afford any information and assistance that may be necessary. On the former occasion, when the lands were examined and surveyed, we heard nothing at all about it, which I cannot help regarding as a want of courtesy. I think the proprietors ought to be informed when a survey is going to be made, and not have a sort of secrecy about such things. I would very much like to be on the spot when these gentlemen visit the lands again. I think I could afford them some assistance, and I would very much like to point out to them what I think necessary to be done. I may have a practical knowledge of the matter, and though they may have a theoretical knowledge, I think I could facilitate them.

Colonel *M'Kerlie.*] If Mr. Brassington feels it desirable to visit the lands again, we will of course give you information of his visit.

Mr. *Lynam.* said the case of Mr. F. J. Minchin had also been postponed from Portumna under the same circumstances as Mr. Headach.

Mr. *Minchin.*] My land is circumstanced very much the same way as that of Mr. Headach. There is a portion of my land so rugged and sedgy as to be quite incapable of improvement, and ought not to be included in the assessment.

Mr. *Lynam.*] I looked at the land very carefully yesterday, and it is just a doubtful matter whether something small ought not to be put on it; but I must add, though I have not got my calculations here, that I feel certain the charge I put upon it originally, was very small.

Colonel *M'Kerlie.*] Would you be disposed to continue the charge or modify it?

Mr. *Lynam.*] Well, there is one part of it, about Cameron, that I think had better be left out.

Mr. *Towers.*] There is a portion of it quite unimprovable.

Mr. *Le Fanu.*] Will you be able, Mr. Lynam, from the information you have now got, to arrive at a satisfactory estimate of the valuation to be put upon those lands?

Mr. *Lynam.*] I think so, sir. In my opinion there should be a small alteration made; but I have not yet had time to check my calculations.

Mc.

Mr. MacKie.] If you look at the map, I think the line laid down on it as indicating the land liable to flood, represents the state of things prior to the original Shannon drainage. It strikes me that was the basis on which the survey and valuation were made.

Colonel M'Kerlie.] No; there was a special survey for the purpose of this valuation, and the line was laid down carefully on the map from the actual registers in our possession. The map does not say what flood the line refers to; it simply means that all the land within those contour lines is liable to flooding.

Mr. MacKie.] The ticked line on the map seems to indicate a very high flood; if that was the basis on which the survey was made it would make a difference of ten acres.

Mr. Lyons.] No; the ticked line is outside of our lines altogether.

Colonel M'Kerlie.] The ticked line indicates the old flood level.

Mr. MacKie.] Was that the basis of the valuation?

Colonel M'Kerlie.] No, the lines were laid down on the map from the levels of actual floods, the registers of which are in our possession. I think there can be no error in those lines.

Mr. Lyons.] There is none, sir. It is no doubt an exceedingly crooked outline, but it is as accurate as possible.

Colonel M'Kerlie said Mr. Lyons would make some corrections in the survey and valuation of the lands, and the necessary alteration would then be made in the assessment.

Mr. Peary said the next case was that of Mr. Edmond Fitzgerald, the owner, and certain tenants of the lands of Ardclonny (page 2 and 4 of Schedule). The following objections were read:—

"Sir, Ardclonny, County Clare, 27 January 1875.

"As tenant of part of the lands of Ardclonny, county Clare, I highly object to the valuation placed on it under the Shannon Act of 1874, 37 & 38 Vict., c. 60, being in excess of any improvement or benefit therefrom under said Act. Numbers referred to in Ordnance Map, 45 and 54. No. in reference map, 3.

"I remain, &c.

(signed) "James Molony."

"The Secretary,  
Board of Works, Custom House, Dublin."

"Sir, Rynneboe, Killaloe, 28 January 1875.

"As tenant of part of the lands of Ardclonny, in the county Clare, I hereby object to the valuation placed on it under the Shannon Act of 1874, 37 & 38 Vict., c. 60, being in excess of any improvement or benefit therefrom under said Act. Numbers referred to on Ordnance Map, 45 and 54. Number referred to in reference map, No. 2.

"I remain, &c.,

(signed) "Patt Ryan."

"The Secretary,  
Board of Works, Custom House, Dublin."

Mr. P. S. Connolly, solicitor, said he appeared on behalf of Mr. Fitzgerald, the owner, and also for some of the tenants of Ardclonny.

Mr. FITZGERALD was sworn; Examined by Mr. Connolly.

You are the fee simple owner of these lands?—Yes.

Do they abut on the Shannon?—They do.

Part of the land is in your own possession?—Yes.

How long are you farming it yourself?—About 14 years.

You know the fields which abut on the river?—Yes.

Are they subject to floods?—They are.

Are there, in the same field, portions subject to winter floods, and portions not?—Yes.

Which of them produces the more abundant crop of meadowing?—The portions that are flooded produce a more abundant and finer crop.

Of the two portions, which would you prefer, as a farmer?—The flooded.

Are you liable to annual floods?—Never.

Are you assessed?—I am.

What benefit can you derive from the proposed works?—None; on the contrary, they would do me an injury. I would sooner pay the money to be left as I am.

Colonel M'Kerlie.] You say you derive benefit from the flooding?—I do.

Mr. Connolly.] There are several tenants of Ardclonny who object on the same grounds.

Colonel M'Kerlie.] Unless you desire to bring them forward, we will take the evidence of Mr. Fitzgerald as applying to their cases.

Mr. Connolly.] I would like to examine a man named Goggins; he makes the same objection, but he wishes to be allowed to give his evidence.

Colonel M'Kerlie.] Certainly, if he wishes it.

Killala Inquiry.

WILLIAM GOGGINS, sworn; Examined by Mr. Connolly.

Where is the land you hold?—It is at the other side of the bridge. Part of O'Brien's Bridge. I hold at both sides of the river. I find that when the water flows over the meadows, the meadow that year is the best, and that when the water does not come on it, I have not as good hay; and on the places that the water does not cover it, the grass is not so good as on the places the water comes on.

Do you get autumn floods?—I do, sir; not from the Shannon, but from another river running close by it. The Shannon does me no injury, unless I leave my hay late in the year.

Colonel M'Kerlie.] Was your hay lost in 1861?—Yes, that river came on the land, and I lost some of the crop by it.

Who is your landlord?—The representatives of George Davis.

Did you speak to your landlord about it?—I spoke to the agent.

What did he say?—He said it was too bad for me to be paying money and lose my crop.

Did he make you any allowance for it?—No; he had nothing to do with it.

Mr. Robert M'Cright.] I happen to be this man's landlord, and I think the proposed alteration of the Shannon would be a serious loss to him. These lands are perpetual meadow, and grow grass every year; and I think it would be a great injury to him if the water was taken away.

Colonel M'Kerlie.] If the water were removed could the lands be tilled?

Mr. M'Cright.] No; they never could be tilled; they are not suitable for it.

Colonel M'Kerlie.] Are you the sole owner of the lands?

Mr. M'Cright.] No; they are the property of my aunt and myself; she owns one-third and I have two-thirds.

Mr. William Spraight, of Derrycastle, said he appeared in support of the objection of James Molony, who held part of Ardeleony, page 4 of the Schedule. He was anxious to be examined.

JAMES MOLONY, sworn; Examined by Mr. Spraight.

Is your land flooded in winter?—Part of it is.

How much of it?—About 14 acres of the Shannon fields.

Is the whole of the 14 acres flooded every winter?—No; I wish it was flooded every winter, for my income depends on the floods. I have a long family; and when the floods come on my meadow I have fine hay; but if the water does not rise over the land there is nothing like as good a crop.

It is not all flooded?—No; part of it could not be flooded from the Shannon, but the mountainy flood sometimes comes down from the upper part of the land; it came last September twelve months, and broke a bank that never was broken for 300 years before, and I had a serious loss. My rent depends on that field; and I have a great family, and the land is dear enough already; and if there is any further charge put upon it I must only quit the country, for I never could pay it.

Will the proposed works improve your land 7s. 6d. an acre?—My dear sir, it would not be wishing to me to have it done for 30s. an acre, for why? My case is not every man's story. Don't I tell you the flood comes down to me from the mountainy lands above, and the marl comes down along with the flood and manures my land; I would not get that if the work was done; and the Shannon floods manure it. I would not be able to pay the rent if the floods were removed.

This was the last case, and the Commissioners formally adjourned the inquiry till the 18th instant, when it would be resumed at Athlone.

## ATHLONE ADJOURNED INQUIRY.

Athlone  
Adjourned Inquiry.

## REPORT OF INQUIRY held at Athlone, on Friday, the 19th of March 1875.

Pursuant to adjournment, the Commissioners resumed the inquiry at the Court House, Athlone, on Friday, 19th March, at 10 o'clock.

Colonel M'Kerlie said: Gentlemen, we meet to-day for the purpose of inquiring into those objections to the schedule and valuation of the lands contemplated to be improved by the Shannon Act of last Session, the hearing of which was postponed at the last meeting, to enable those gentlemen who could not then be present to have an opportunity of stating their cases. It is scarcely necessary for me to repeat the explanation I gave on the former occasion of the objects of this inquiry; they were at that time fully explained, and, I believe, quite understood. We shall now proceed with the objections, taking them in the alphabetical order in the several unions.

Mr. Fair, Solicitor.] Will you take them in the order in which they stand in the printed schedule?

Colonel M'Kerlie.] We cannot do that; we must take the objections in each union separately.

Mr. Penney.] The first case is that of Mr. John E. Maypoher and Mr. Andrew McCutcheon, page 30 of Schedule, in the Roscommon Union. This objection was read at the former meeting; but they are put down in the schedule as joint proprietors of the townland of Clooneigh, whereas they should be separate.

Mr. Fair.] What is it you require in that case?

Mr. Penney.] We require to know what acreage should be put down to each; they are put down as joint owners, and jointly assessed, whereas they should be separate, and the case stood over so that the necessary information might be furnished, to enable us to have the schedule corrected.

Mr. Fair.] I am not concerned for these gentlemen. I have no instructions on the subject.

Colonel M'Kerlie.] Does any one appear for them? [There was no reply.] We must communicate with the parties and have the necessary corrections made. Proceed with the next case.

Mr. Penney.] The next case is in the Athlone Union, pages 24 and 40 of the Schedule, Mr. Robert Adamson.

Mr. Fair.] I appear for him, but he has not come here yet; be kind enough to postpone it for a while.

Mr. Penney.] The next case is that of Lord Castlemaine, pages 29 and 40 of Schedule, I shall read his objection.

"Creaghduff, Athlone, 28th January 1875.

"Sir,

"I have to express Lord Castlemaine's dissent from the valuation of certain townlands on his property under the Shannon Act of last year. I enclose a list of these, and would observe that there are other townlands in which he has an interest, so I wish also to express his dissent from all.

"I have, &c.

(signed) "C. Handcock."

"The Secretary, Commissioners of Public Work."

"County Westmeath.—Athlone Union, Carron, Killenmore, Kippenshaw, Cappan-kelly, Tousagh, Friar's Island, three islands opposite Friar's Island, Creaghduff South, Tullin, Garrynafels, Golden Island (St. George), Carrick O'Brien (part of)."

There is a supplemental objection correcting some errors in the Schedule; the corrections have all been made:

"Sir,

"Ballykeernan is Lord Castlemaine's property. Thomas Stubbs' representative is his tenant; it should have been included in the objections. Two other townlands, Bannaribba and Kilhamanagh, in the county of Roscommon, and Athlone Union, are held by him under a free farm grant, and the representative of Thomas Lloyd is his tenant, under a lease in which there is only one life in existence. The fee of these townlands is vested in the Incorporated Society.

"Creaghduff, Athlone, 5th February 1875.

"I have, &c.

(signed) "C. Handcock."

"The Secretary, Board of Works Office, Dublin."

Adjourned Inquiry.

*Mr. Fair.*] I appear for Lord Castlemaine, and if you will allow me I propose to go into the cases at page 40 of the schedule now, and I will ask you not to go into the cases of Binnacibba, Kilnamanagh, and Ballykeeran until later in the day. I beg, at the outset, to observe, as I did, on the previous occasion, that his Lordship is most anxious the works should be carried out, if they are not carried out in too expensive a way, as he feels they would be beneficial to the country at large and to his property. As at present proposed, however, he apprehends that he might have to pay entirely too large a sum for the benefit he would derive; in fact, I am instructed that the assessment is out of all proportion to the improvement. I do not know whether you have any power to alter the gross assessment in any way, but I believe under the Act of Parliament you had the power of extending the area of taxation. I mentioned on the last day that it was a great pity the area of taxation was not increased, the result of which would be, of course, that the taxation on each proprietor would be considerably reduced. I believe you have now no power of altering it, and we must only deal with the schedule as we find it, but it is a great pity the area of taxation was not more extended, and the assessment smaller than it is at present. With these observations, I propose now to produce evidence, in order to show you that the assessment placed on these townlands, the property of Lord Charlemont, is altogether excessive and out of proportion to any possible benefit his Lordship could derive from the contemplated works. Perhaps the more regular way would be for your valuers who are in attendance to be examined in the first instance, and cross-examined, and then that we should produce such evidence as we think proper for the purpose of controverting their testimony.

*Colonel M'Kerlie.*] The course we propose to pursue is the converse of that. We think it desirable to let the objectors produce their evidence in the first instance, and we then call on our valuers to state their views, but we give the objectors an opportunity of asking them any questions they think proper.

*Mr. Fair.*] Very well, sir; then that being so, I propose to examine Mr. Frederick William Russell, a gentleman who has had very extensive experience in valuing land; he has been valuer of one or two poor law unions, and being himself a large proprietor, and farming extensively, he has very considerable experience on the subject; and he will tell you he has seen these lands, the property of Lord Castlemaine, and what he considers would be a fair and reasonable assessment to place on them. I am not in a position to prove their relative value, as compared with other lands. I am merely in a position to prove what he considers would be a fair assessment to place on them, having regard to the improvement intended to be effected. It would be impossible for me to give you the relative value in any way.

*Mr. FREDERICK WILLIAM RUSSELL,* sworn; Examined by *Mr. Fair.*

*Mr. Russell.*, you have had very extensive experience in the valuing of land?—Yes.

For a number of years?—Yes.

Have you valued the lands of Carton and Killeenmore, the property of Lord Castlemaine?—I have.

When did you value those lands?—Last week.

Please tell the Commissioners the result of your valuation?—I should mention I did not make any survey of them; I adopted the survey of the Commissioners.

*Mr. Fair.*] We had no opportunity of checking the survey, but, taking the survey given in the schedule, what valuation did you put upon Carton?—I assessed 4*s.* per Irish acre on Carton.

What is the assessment placed on it by the Commissioners?—They have not put an acreage valuation on it; I put a valuation of 1*L*. 3*s.* 6*d.* on it, supposing the Lough to be lowered from its present level 3*f.* feet.

From its present level?—Yes; we may take it that it is now at about its ordinary level, neither at its highest nor its lowest. I think if the water was lowered 3*f.* feet it would benefit the land to the amount I say.

*Mr. Fair.*] Perhaps Mr. Lynam would inform us how much it is proposed to reduce the level of the Lough at that place?

*Colonel M'Kerlie.*] We will examine Mr. Lynam presently. Do we understand Mr. Russell to speak of lowering the lake 3*f.* feet from its present level?

*Mr. Fair.*] Yes.

*Colonel M'Kerlie.*] It is just 9 inches below the summer level now; I observed it this morning on the gauge. To reduce the level to the extent mentioned by Mr. Russell is quite out of the question.

*Mr. Russell.*] The land is entirely saturated, and will not be relieved unless you go to that level.

*Colonel M'Kerlie.*] That is quite out of the question.

*Mr. Fair.*] If there be no undertaking that the level would be reduced 3*f.* feet, what would your valuation be then?—*Mr. Russell.* I did not take that into consideration. I think you will not derive much benefit at all unless the Lough is lowered to the extent I mention, because the lands are thoroughly soaked and saturated, and will not be relieved unless the water is lowered to that extent.

*Mr.*

*Mr. Fair.*] Could you kindly give us an idea, sir, of the extent to which it is proposed to reduce the level? Athlone  
Adjourned Inquiry.

*Colonel M'Kerlie.*] It is proposed to lower the lake permanently to its present summer level.

*Mr. Fair.*] That would be to lower it only 9 inches from what it is at this moment.

*Colonel M'Kerlie.*] Yes; it is proposed, by means of sluices, to keep the water to that level.

*Mr. Fair.* Then I will ask Mr. Russell, supposing the water were lowered 9 inches from its present level, does he think any benefit would accrue to Lord Castlemaine by that?—*Mr. Russell.* I doubt if the benefit would be a shilling an acre. The soaking is so perfect that unless you get the water, to a considerable extent, below its present level you will not benefit it at all.

*Mr. Fair.*] So that if the reduction is only 9 inches you don't think there would be any benefit?—*Mr. Russell.* It would be a mere bagatelle; no doubt, to a certain extent, there would be some benefit, but it would be a mere nothing.

Your estimate was that it should be lowered 3 feet 6 inches?—Yes.

Suppose 9 inches only were taken off, that would be less than a fourth part of what you consider would be necessary?—Yes.

Would a reduction of 9 inches do any good?—Well, I think the land would derive some benefit even from that, but it is so much soaked that a reduction of 9 inches would not do much good; the more you lowered the water the better it would be.

If the water is lowered only 9 inches would a shilling an acre be as much as the benefit Lord Castlemaine would derive?—Well, that is a point I could not answer you exactly; I should take time to consider that.

Of course the less the reduction the smaller the quantity of land relieved?—Yes; the only answer I can give to your question is, that the more you lower the lake the more you will improve the land.

*Colonel M'Kerlie.*] Is the land you are referring to subject to floods?—Yes.

To winter floods?—Yes; but it is not riparian land, it is lake land.

*Colonel M'Kerlie.*] It is shown on the map not to be subject to flood, only saturation.

*Mr. Fair.*] That is Carton.

*Colonel M'Kerlie.*] Yes; do you confine your observations to Carton?—*Mr. Russell.* I refer to all the lake lands.

*Colonel M'Kerlie.*] Confine your observations for the present to Carton and Kilcoo-me; what do you say as to them?—*Mr. Russell.* They are both lake lands; it is the rising of the lake that floods them, and causes the saturation; the rising of the water in the lake, and the want of an outlet.

*Colonel M'Kerlie.*] Do you consider the winter floods to be injurious to the land?—*Mr. Russell.* I do, because not being riparian lands, the water does not flow on it; it merely covers it, and rests on it, and saturates it. It is not flowing water.

*Colonel M'Kerlie.*] If that be the case, would their being saved from such liability not be a considerable advantage?—*Mr. Russell.* No doubt it would be a great advantage.

*Colonel M'Kerlie.*] Are you able to estimate what the advantage would be?—*Mr. Russell.* Yes, I have estimated the advantage, supposing you lower the lake to a certain extent.

*Colonel M'Kerlie.*] I am now referring solely to winter floods, which occur every year. Supposing you were saved from that extent of flooding, without lowering the lake any further, without taking it below the summer level, would that be an advantage?—*Mr. Russell.* I do not think it would, because the land is saturated there. In my opinion, you will have no benefit whatever in that part of the Shannon until it is thorough drained.

*Mr. Fair.*] Could you thorough drain that land by only taking off nine inches of water?—*Mr. Russell.* Indeed you could not; it would be absurd to expect such a thing.

*Mr. Fair.*] Therefore, in your opinion, the lands would derive no benefit at all by lowering the Shannon only nine inches?—*Mr. Russell.* I think not.

*Mr. Fair.*] If lowered 3 feet 6 inches, you could do so?—*Mr. Russell.* Well, that is doubtful, because the rising of the waters would to some extent choke your drains.

*Colonel M'Kerlie.*] When you speak of lowering the water 3 feet 6 inches, do you mean it to be a permanent lowering throughout the year?—*Mr. Russell.* No; I take into consideration that there would be occasional flooding, but only occasional flooding, from heavy rains.

*Colonel M'Kerlie.*] The lake would fill up occasionally?—*Mr. Russell.* Yes; I think it would occasionally fill. Unless you lowered it six or eight feet, it would occasionally fill; but only occasionally.

*Colonel M'Kerlie.*] Then, in your opinion, what is contemplated, namely, maintaining the lake at its summer level, and controlling the water, so as not to let it rise over the land, would not benefit you, I understand?—*Mr. Russell.* Only to a very small extent.

*Colonel M'Kerlie.*] You could not say to what extent?—*Mr. Russell.* I could not without consideration.

*Mr. Fair.*] Does that evidence apply merely to those two townlands, or to all the lake lands?

Athlone  
Adjusted Inquiry.

Lands: Kippistown, CappanKelly, Tonagh, Friar's Island, Creaghbaun, Tullin, Garrywheen, Golka Island?—Mr. Russell. No; it does not apply to Golka Island.

Not to Golden Island?—No.

Those are what you call the lake lands?—Yes.

Mr. Le Fanu.] Does it apply to the three islands opposite Friar's Island?—Yes, it does, sir; they are lake lands, too.

Colonel M'Kerlie.] Are the lands under meadow?—They are.

Are they dry in summer?—They are not covered; they are dry now; that is, they are walkable; but the water comes within six or eight inches of the surface. I did not measure it; but that is, I should think, very near the truth. With regard to a considerable part of Lord Castlemaine's property—Tonagh, Killernmore, and Carton—it is the back water of the lake, for want of an outlet, that is injuring them so much. They are saturated also.

Carton, Killeenmore, and Tonagh?—Yes, Tonagh and Killeenmore more particularly.

Colonel M'Kerlie.] What is your evidence now with regard to the other lands that are differently circumstanced?

Mr. Fair.] Golden Island and Carrickhourian—page 40 of the Schedule—what is your opinion as to the effect of the contemplated works on those lands?—Mr. Russell. Those are riparian lands, and below the average.

Mr. Fair.] In your opinion, will those lands derive any benefit at all by having the floods taken off?—Mr. Russell. No; I think, on the contrary, they will be injured.

What are your grounds for believing that?—My grounds are very simple; experience shows that the flowing of the river over them manures them every year.

And if they are deprived of that irrigation, you think that instead of any benefit accruing it would be the reverse?—I do; as long as they are in grass, which, of course, all these lands must be.

These lands are under grass?—They are; all under grass.

I suppose they are accustomed to this annual irrigation?—The lands are accustomed to it, yes.

You believe that annual irrigation is a direct benefit to the lands?—I do.

And if that they are deprived of it they will be injured instead of benefited?—Yes, I think the quantity of meadow will be materially lessened.

Colonel M'Kerlie.] Have you known these lands long?—Yes.

I suppose you scarcely recollect their state before the navigation works were carried out?—Well, I do.

Are you aware of their being subject to autumnal floods?—Well, from the inquiries I made on the subject from the people living along the river, I believe the autumnal floods are rare and unusual; that is to say, a flooding of the land before they can take away their crops. It has occurred occasionally, but is not a usual thing.

Are their losses not very great when that occurs?—Oh, yes, of course, if the crops are caught the people are very serious losers.

Do you recollect the three seasons of 1860, 1861, and 1862?—I do, of course; but I cannot call to mind any particular circumstance that enables me to identify any of the years.

It was stated, at an inquiry held some years since by Mr. Bateman, that on these lands the losses had been very great indeed during those three seasons; that was stated by several persons. If their crops are caught in the flood, of course their losses are very great.

Mr. Fair.] You mean the crops of meadow?—Yes, the hay.

You have no knowledge yourself of that?—I have not, except that from the inquiries I made I was informed that the crops were very seldom lost in that way.

Very seldom?—Yes; that it is a most unusual thing.

Colonel M'Kerlie.] You do not think that the benefit that would be derived from being saved from that liability would be equal to the amount proposed to be charged?—Certainly not.

Mr. Fair.] You think there would be no benefit at all, but the reverse, arising to the lands now under consideration?—I do, with regard to the quantity produced.

Mr. Le Fanu.] Do you think that the being saved occasionally from autumn floods would be a greater benefit than the injury they would suffer by the winter floods being taken away; do you think on the whole that they would benefit or suffer from the works being carried out?—They would suffer, decidedly.

Even taking into account that the crops are sometimes destroyed?—Yes, even taking that into account, it is my belief that, on the whole, the lands would suffer injury.

Mr. Fair.] Did you inquire how often these autumn floods occurred?—Yes; the questions I asked were did they often lose their crop of hay by autumn floods, and they said not.

I ask you now again, in order that the Commissioners may fully understand your evidence, have you made several valuations of property in this country?—I have.

For the Court of Chancery?—Yes.

And for poor law unions?—Yes.

And for several other private and public individuals?—Yes.

Have you also had large experience in the farming of land, extending over a number of years?—Yes; I have farmed a good deal of land.

Colonel

Colonel M'Kerlie.] The year 1872 was a very wet year?—Yes, it was a very wet year.  
Were those lands flooded during the autumn of that year?—I could not say.

Athlone  
Adjusted Inquiry.

Mr. Fair.] There are two other townlands, gentlemen, that Mr. Russell has not yet seen, Bunnaribagh and Kilnamanagh; I would ask you kindly to postpone the consideration of them until later in the day, and Mr. Russell will drive out with Mr. Hancock now and see them as they are near this town, and we can have his evidence with regard to them when he returns.

Colonel M'Kerlie.] Yes.

(To Mr. Russell.) There are a number of cottage residences and small farm houses along the margin of the lands you have been speaking of; did you observe them?—Mr. Russell. Yes; there are.

Colonel M'Kerlie.] Are they Lord Castlemaine's property?—Mr. Russell. Some of them are; do you mean the like lands or the riparian lands?

Colonel M'Kerlie.] I mean the riparian lands you have last been speaking of. Have the inhabitants of those houses frequently to leave them in consequence of the floods?—Mr. Russell. They told me they had.

Mr. Fair.] Those are Lord Kilmaine's, I believe?—Mr. Russell. One or two of them are Lord Kilmaine's.

Colonel M'Kerlie.] They have sometimes to leave their houses in consequence of floods?—Mr. Russell. They have.

Colonel M'Kerlie.] Does that occur frequently?—Mr. Russell. No; as well as my memory serves me, they said it was only occasionally. In 1872, I am sure they had to leave.

Mr. Fair.] It is right to state that there is only one of those houses occupied by a tenant of Lord Castlemaine's, and he has latterly shifted his house to higher ground. The other tenants are Lord Kilmaine's.

Mr. Pexsey said the next case was that of Mr. James Kelley. He was not in attendance; and the case of Lord Kilmaine, page 42 of Schedule, was proceeded with. The following objections were read:—

“ Sir,

“ 28 January 1875.

“ As agent to Lord Kilmaine, I have to express his dissent from the valuation of his property under the Shannon Act of last year.

“ I have, &c.

(signed) “ C. Hancock.”

“ The Secretary,  
“ Board of Public Works, Dublin.”

Townlands alluded to—County Westmeath, Athlone Union, Golden Island, Kilmaine.

“ Sir,

“ 5 February 1875.

“ I find that an entry was omitted in my letter about Lord Kilmaine's objection to the valuation of his property under the Shannon Act of 1874, viz.: Townland, part of Athlone, Barony of Brawny; occupier, Lawrence Kelly.

“ I have, &c.

(signed) “ C. Hancock.”

“ The Secretary,  
“ Commissioners of Public Works, Dublin.”

Mr. Fair.] As was mentioned on the last occasion, there is an inaccuracy in the Schedule in respect to the holding of Lawrence Kelly. The holding is said to contain 4 acres 3 roods, whereas I am told it contains only 1 acre 1 rood.

Mr. Lyman.] There are several tenants included in the lot along with Kelly.

Mr. Fair.] There is only 1 acre 1 rood in Kelly's occupation.

Mr. Lyman.] The area of the lot is correct, but Kelly does not hold the whole of it.

Mr. Hancock.] Some of that land is in the possession of the Shannon Commissioners themselves.

Mr. Fair.] I propose to ask Mr. Russell some questions with regard to this case.

Mr. FREDERICK WILLIAM RUSSELL, examined by Mr. Fair.

You have seen these lands of Lord Kilmaine's?—Yes.

Part of Athlone in the Barony of Brawny, and also Golden Island?—Yes.

These are what you call riparian lands?—Yes.

Do you think they will derive any benefit by being relieved of those floods?—No; I believe they will be injured.

You believe they will be injured if the winter floods are taken away?—I do.

For the reasons you have already stated?—Yes.

Because they have been accustomed to irrigation, and the irrigation is a fertiliser?—Yes.

They will derive no benefit at all, in your opinion, from the proposed drainage?—I believe not.

Have you known those lands long?—I have.

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Athlone  
Adjourned Inquiry.

The assessment is at the rate of about 8 s. per statute acre, 20 £. 10 s. on 47 acres; am I correct in that?—Yes.

And you believe the lands will derive no benefit from the proposed drainage works?—I believe they will be injured.

You have closely inspected and examined them?—I have.

How long since?—It was on Saturday last.

Colonel M<sup>r</sup> K<sup>r</sup>eville.] Be good enough to explain the grounds on which you think the lands will be injured, instead of being benefited by the proposed works?—From the want of winter flooding.

You consider the winter flooding is a means of fertilizing?—I consider it a great fertilizer indeed.

But if the water was taken off would not a superior description of meadow be produced in the course of time?—The herbage would change altogether. That is when you take away the saturation and flooding both. If you have not saturation you can have flooding, and then the herbage is not at all injured. The produce of these lands is a splendid hay. Some of the best hay grows.

That is the hay these fallow meadows produce?—Yes; but soaked land will not produce so good a quality of hay, of course.

What is the character of the land you are referring to?—It is not soakage land, it is saturated.

Mr. Fair.] Is the land accustomed by nature to this irrigation?—It is.

And if it were deprived of it, your opinion is the crop would not be so large and plentiful?—It would not.

Colonel M<sup>r</sup> K<sup>r</sup>eville.] I think we had better ask Mr. Lyman's opinion about this matter now, before we proceed to the other cases.

MR. LYMAN was accordingly sworn.

Colonel M<sup>r</sup> K<sup>r</sup>eville.] You have heard what Mr. Russell has stated with reference to the results of the contemplated drainage works; be good enough to state your views on the matter?—Mr. Lyman. With regard to the lands on the lake, they are of quite a different quality, as Mr. Russell has described, from those below. They are poor, and generally of an uneven surface. The herbage on them is of a very coarse description, and it appears to me that they won't ever become what they ought to be until they be tilled, and of course for that purpose it is necessary they should be left dry enough. I think the ordinary summer level of the lake is low enough to drain them, as well as I remember. I have not measured it, but I was over the lands yesterday, and a few days before I was over Friar's Island and Tullin. The water that is now on the surface is caused by little pools, either left there by the flood, or by springs from the hills. There is a large area of gravel hills between Athlone and those lands, and there is a great amount of springs; of course these lands should be valued; for the improvement is very low, as compared with other lands, and so they are. Take one instance, Carton; the only instance in which Mr. Russell has mentioned a definite figure of what he considered the increased value would be. I put only 2 s. an acre on Carton, and the average valuation on those lake lands is 2 s. an acre.

Colonel M<sup>r</sup> K<sup>r</sup>eville.] Could you say how much they are above the level of the lake in summer?—Mr. Lyman. Tomagh, on the 16th March, was only a foot over the water.

Colonel M<sup>r</sup> K<sup>r</sup>eville.] Do you mean this present March?—Mr. Lyman. Yes, sir. It is not much more than a foot over the surface of the water at this moment.

Colonel M<sup>r</sup> K<sup>r</sup>eville.] And the summer level being 9 inches lower than the present would make the surface of the land about 1 foot 9 inches above the summer level of the lake?—Mr. Lyman. Yes. There is a little stream between Tomagh and the other land, which flows into a large round lake, which is connected with the great lake by a rather long rivercourse, which is in very bad order. I think there is a stoppage there, and perhaps the stream on the east side of Tullin was higher than the lake on the 16th March.

Colonel M<sup>r</sup> K<sup>r</sup>eville.] Where is that river course?—Mr. Lyman. On sheet 16, between Creggs and Rosslan. It is a river course, which would require to be cleaned after the lake has been lowered.

Colonel M<sup>r</sup> K<sup>r</sup>eville.] Assuming 1 foot 9 inches to be the height of the lands above the summer level, and assuming that summer level could be maintained without the water rising much above it, would that enable the lands to be tilled?—Mr. Lyman. Well, just on the point of it. It is barely enough. If Lough Ree could be lowered another foot under its summer level, consistent with the navigation and other interests, it would be a great advantage.

Colonel M<sup>r</sup> K<sup>r</sup>eville.] That would be 1 foot 9 inches under its present level?—Mr. Lyman. Yes. If you would allow me, I would suggest that inquiry should be made whether it would not be quite practicable to make the level of Lough Ree during certain periods of the year, one foot lower than it usually is in summer; that is 1 foot 9 inches under this day's level.

Mr. Le Poer.] Is the charge which the schedule puts on these lands, and which is of course based on the valuation made by you and Mr. Brossington, relative, as regards the other lands?—Yes, I think it is quite relative. I walked over them yesterday, and I am

of opinion the valuation Mr. Brassington and I put upon them some years ago, and which was done with great care at the time, was quite relative.

Colonel McArdle.] They are not more highly charged than other lands in the same position?—Mr. Lyons. They are not; and there is one matter that I should mention; there is some land marked upon this map as water, and which has become land since. There is a piece of some acres in extent, marked as water on the map, and which, therefore, was not calculated by us when making our valuation. It is no doubt a very inferior class of ground, and very coarse.

Mr. Fair.] Have you heard the evidence of Mr. Russell with respect to those lands that we have been now speaking of?—Mr. Lyons. Yes.

Mr. Fair.] You heard him say that, in order that the lands should derive any considerable benefit, the water should be lowered three feet?—Mr. Lyons. Yes; I heard him say that.

Mr. Fair.] You say it ought to be lowered 1 foot 9 inches under its present level?—Yes.

Do you think if it were lowered 1 foot 9 inches, would that be sufficient to relieve the lands from flooding and soaking?—I think it would. I think 1 foot 9 inches would relieve it. Those Tonagh lands and Kilcormore that abut on the lake, are, I think, of a quality that would produce meadow. They are not so convenient all; they have been tilled, but they might be made good meadow.

You have heard the Commissioners state that it is only proposed to reduce the level by nine inches; in your opinion, would such a small reduction as that confer any appreciable benefit on the lands?—I do not say that lowering it nine inches under to-day's level would do them any material benefit; but there are other items to be brought in besides that. That is to say, a great portion of the lands are flooded, and another very considerable portion of them saturated, without being actually covered, the water being almost level with the surface. That land would of course be relieved to some extent. There would be no difficulty in keeping Lough Ree to that level by a proper weir, instead of the present weir mound.

That would not relieve the lands from saturation?—It would from flooding.

Would it relieve the land from saturation?—It would relieve a large area from saturation, not the whole.

Would it relieve the entire area you have included in your valuation?—Well, I think the Tonagh lands and Creggan are the lowest I saw.

We will apply ourselves to Tonagh; they contain 26 acres, 3 rods, statute measure, and the assessment is 8*s.* 2*r.* 3*d.*; how much is that per acre?—8*s.* 8*d.* per acre.

That is nearly 11*s.* per Irish acre; do you think the lands would derive any benefit commensurate with that assessment?—I have not said they would.

That is a very important fact to know, and a very important thing for the proprietors to know before they assent to the project; the assessment on this townland of Tonagh is 11*s.* per Irish acre?—Well, sir, I did not put that on it.

Do you think the land would be benefited to that extent?—I think it would not.

Would it be benefited to anything like it?—I think it would be benefited to the extent of about two-thirds of it.

Would they benefit to that extent with only nine inches of water taken off?—That is only one element. Remember, that if you reduce the water of the lake nine inches below what it is to-day, you reduce it two feet from what it was during a great part of the winter, and under what it was in the flood of 1861. Reducing it nine inches is only one item out of several, which induced me to put the valuation I did upon it. You will understand that what is printed in the schedule is not Mr. Brassington's valuation and mine; it is an apportionment thereon by an increase of nearly one-third, so as to comply with the Act of Parliament, which directs that they shall assess 7,500*l.* a year, whereas our valuation was only 5,000*l.* a year.

For what?—For the whole area; it is increased to 7,500*l.* in order to assess 5 per cent. on 150,000*l.*

You consider 5,000*l.* would be ample, and as much as should have been put on?—It should not be more than that; Mr. Brassington and I agreed, after very mature consideration, that that sum was the proper annual taxation; the gross sum that ought to be assessed on the lands for the contemplated improvements.

Did you take into account what Mr. Russell stated, and what you yourself concur in; that a large quantity of this land will be injured by being deprived of irrigation; did you take that into account?—That does not apply to the lake lands.

I am talking of the riparian lands; did you take that into consideration?—We did consider that the lands would be improved by the drainage, and that there would be no other counter-influence to damage them.

Do you concur in what Mr. Russell stated as to the injury which would be done to some of the lands by being deprived of irrigation?—Not to the whole extent.

I am talking of the riparian lands; do you agree with what he said as to them?—I do, to this extent, as I have stated on several occasions, during the meetings, after actual investigation in a minute manner, on different parts of the callow lands between this and Castleconnell. I know there is a slime or sediment left on the meadows by the Shannon floods in winter, and if you go out to-day as I did yesterday, you may see it there, and I have reason to believe and know that it is of a measuring quality.

You believe that sediment possesses a valuable manuring quality?—I believe it does.

Action  
Adjourned Inquiry.

And that it increases the value of the crops of meadow?—Yes; in my opinion the meadows would not produce anything like so large a quantity of grass, if they were not under water to a depth of one or two feet during two or three months in winter. I am satisfied of that; I have been on many occasions advocating that view of it, and endeavouring to have it so arranged that promoters of river drainage should not cut such wide channels at such terrible expense to carry away winter floods.

Do you think it will require such a large outlay as is stated to carry out those works?—I am sure it would not if the money was judiciously expended.

A sum of 300,000*l.* is proposed to be spent on the works; do you think it would require that amount?—As I stated at Portumna, and I believe at Banagher, I have the most accurate measurements of the different parts of the Shannon that require to be enlarged, and I have studied them with great care, and checked and rechecked the calculations founded upon the rules and formula laid down in the books published by the best hydraulic engineers in the world, English, French, and American; and I am firmly of opinion, as the result of those calculations, that a sum of 150,000*l.*, instead of 300,000*l.* would be amply sufficient.

Mr. Fair.] That would reduce the assessment one-half?—Mr. Lynane. Yes.

Mr. Le Fane.] That would not follow, for of course the landowners would be expected to pay what they were benefited.

Mr. Fair.] I do not see that at all, for if the Government were willing to give one-half of what the improvements would cost, they would only assess on the proprietors the other half.

Mr. Le Fane.] If the Government made the same offer on the basis of the costs of the works being 150,000*l.*, on the same basis that they have done on the basis of its being 300,000*l.*, of course your calculations would be correct.

Mr. Fair.] That is the offer of the Government to pay one-half of the expenses.

Colonel M'Kerlie.] You are under a misapprehension as to the principle upon which the Government have dealt with the question. I think I mentioned that the original intention was, that the proprietors should pay for the benefit they received a fair amount. At that time it was supposed that the capitalised value of that benefit would amount to a sum closely approximating to the cost of the works; but subsequently it was found that, in consequence of the advance of prices, the cost of the works would very much exceed what had been originally supposed. And in reconsidering the whole question, the Government, finding the cost was so great, while determining to proceed with the measure, at the same time decided that one-half of the cost should be contributed as a free grant, provided that the proprietors agreed to contribute the other half. But if the original measure had been carried out, the amount the proprietors would have had to pay was the capitalised value of the benefit they received.

Mr. Fair.] That is exactly what I say; if the Government were willing to contribute one-half of the cost of the work, on the supposition that it would amount to 300,000*l.*, how could they reasonably object to contribute half, if the cost can be reduced from 300,000*l.* to 150,000*l.*; surely they would be just as ready to do so in one case as in the other.

Colonel M'Kerlie.] The intention was, that the proprietors should contribute the fair value of the benefit received, and if the work could be done for less money than was expected, they would still have to pay for the benefit, otherwise they would be improving private property at the public expense.

Mr. Fair.] According to the evidence we have given, our property will not be benefited at all, but the reverse, and therefore if persons are only called on to pay in proportion to the benefit received, we ought not to be charged at all, for according to the evidence, the riparian proprietors will not be benefited by the removal of winter floods.

Colonel M'Kerlie.] It is right to tell you that that is an aspect of the case which has only arisen during the present inquiry. The Government were all along led to understand that the proprietors, as a body, were anxious to be relieved from winter as well as summer floods. It is only recently we have ascertained that the proprietors object to the winter floods being removed; that, while they wish to be relieved from autumnal floods, they are deafened to retain the winter floods.

Mr. Fair.] We wish to be relieved from the autumn floods, which sometimes do us injury; but it is necessary we should have the lands irrigated in winter.

Colonel M'Kerlie.] Quite so; that is the case the proprietors make now; but, until the present inquiry, no such distinction was drawn, and the Government were led to believe that it would be beneficial to have both winter and summer floods prevented; accordingly the instructions given to Mr. Lynane and to Mr. Bateman were to design such works as would secure the lands against ordinary winter floods, as well as extraordinary summer floods, such as occurred in 1861; and the valuation which was made by Mr. Brassington and Mr. Lynane was based on the same supposition.

Mr. Fair.] Well, sir, it appears the assessment is excessive in every instance, and there is evidence that some of the lands will not be relieved, but the reverse.

Colonel M'Kerlie.] The question is for the proprietors themselves to consider, will they assent or not.

Mr. Fair.] The proprietors are quite willing to do what is right, and contribute a fair sum in proportion to the benefit they derive; but I submit it would be unreasonable to expect to pay the exorbitant charge proposed to be put on them by the Schedule, and

and which I will prove to you is in some cases equal to the fee simple value of the land.

Mr. Lyneu.] There is one matter which, I think, ought to be considered; the division of the Shannon from Portumna to Castleconnell is, according to the proposed plan, a serious burden on the other divisions; the assessment proposed to be put upon it is only 300 £ a year, while the proposed expenditure on that portion of the river is 41,000 £. The assessment put on that division would only pay for about 6,000 £. of its own expenditure, so that the remaining 35,000 £., expended solely for the benefit of that little district, will be thrown on the lands from Killaloe up to here, and I believe nearly every proprietor and occupier in that district has expressed his most anxious wish that he should be left as he is.

Colonel M'Kerlie.] That is a point we cannot discuss here.

Mr. Fair.] It is a point, however, that ought to be brought before the public.

Colonel M'Kerlie.] We cannot deal with the measure in a fragmentary way; we must deal with it as a whole.

Mr. Fair.] But lest it should be said that we were calling out for the drainage of the Shannon, and that when the Government offered to do it, we objected to it, it is most important that statement should be made.

Mr. Lyneu.] The present Act of Parliament makes it imperative to deal with the work as a whole, but in any new measure which may be passed this Session, I would suggest that that division should be left as it is.

Mr. Fair.] It does not require drainage.

Mr. Lyneu.] I don't say that, but every proprietor and occupier at the Killaloe meeting expressed a wish to be left as he is.

Mr. Fair.] And the proprietors along the other parts of the Shannon would have to pay for works which the Killaloe people say they don't want.

Mr. Lyneu.] They would have to pay 35,000 £. if the works are carried out according to the proposed plan.

Mr. Fair.] There is a case, gentlemen, in page 16 of the Schedule, which I would ask you to kindly take up for me.

Colonel M'Kerlie.] What is the name?

Mr. Fair.] The name in the Schedule is Sir A. C. Magenis, but that will require to be corrected; the name should be Mr. Edward Wm. Williams.

I will examine Mr. Russell, who has seen the lands, as to the effect the improvement would have on them.

MR. FREDERICK WILLIAM RUSSELL, re-called; Examined by Mr. Fair.

Have you seen these townlands of Cloonsara, and the other townlands, the property of Mr. Williams?—Yes, I have seen all those townlands.

Are they riparian lands?—Yes.

Have you seen Cloncraff, or Brownhill, Cloniff, Clonmacnoise, Clonhave, and Creagh?—Yes.

What is your opinion as to the effect of the proposed works on these lands?—The same opinion that I have given of the other riparian lands applies to those, except that there are two townlands that are a little saturated, and that I think would be benefited by the lowering of the river; I refer to Cloniff and Clonhave.

Do you think the other lands would be benefited by the lowering of the Shannon?—No, I think they would be injured.

You think that they would be injured?—Yes.

For the reasons you have stated in reference to part of Lord Kilmalme's lands?—Yes.

The two townlands which, in your opinion, would be benefited; are they riparian lands, Cloniff and Clonhave?—They are.

You think they would be benefited?—I do think they would be benefited.

To what extent, in your opinion?—About 4 a. or 5 a. an acre.

The proposed assessment on Cloniff, on 16 statute acres, is 6 £. 4 s. 9 d.; how much is that per acre?—That would be about 8 s. per acre.

That would be about 12 s. per Irish acre?—Yes.

Now what is the utmost amount of benefit that would be derived by those townlands in consequence of the drainage?—I think they would be benefited to the extent of 4 s. per Irish acre.

That would be about one-third of the proposed assessment; now, as to the townland of Clonhave, that contains 60 acres, 1 rood, 20 perches, and the assessment is 24 £. 10 s. 8 d., how much is that per acre?—About the same, 8 s. per statute acre.

That would be about 12 s. per acre, Irish?—Yes.

What benefit would Clonhave derive; would it be similar to Cloniff?—Yes, about the same.

What do you say as to the other townlands, Cloncraff, Clonmacnoise, and Creagh?—I think, with the exception of two or three spots that are saturated, they would be deteriorated.

Athlone  
Adjourned Inquiry.] In fact, instead of being benefited, they would be injured by the removal of the irrigation?

—Yes.

Mr. *Le Poer*.] Why do you think the lower lands would be benefited?—Because they are saturated to a certain extent.

—And don't give us good meadow crops?—They do not.

Colonel *M'Kerlie*.] Is that because they lie lower?—They lie lower.

Mr. *Fair*.] And your opinion is, that even as to them, about one-third of the present assessment would be reasonable?—I think they would benefit about 4 s. per acre Irish.

Colonel *M'Kerlie*.] Do you consider the injury they suffer from saturation greater than the benefit they would receive from flooding?—I think it is not; I think they would be greatly injured if the flood is taken away.

Then why do you put an improved value upon them?—Because they will be benefited by taking away the saturation.

But are you not aware that it is also proposed to take away the winter floods altogether?—In that case you would injure them most decidedly.

But you think by relieving them from saturation you would improve them to the extent of 4 s. an acre?—Yes, by relieving them from saturation.

Mr. *Le Poer*.] But what do you say if at the same time they were relieved from winter floods?—Then you would be acting both ways; taking away the winter floods would be an injury.

Which would the injury by removing the winter floods, or the benefit by taking away the saturation, be the greatest?—Well, I think the depriving them of winter floods would be a greater injury.

Then why do you put 4 s. an acre on them?—Because they are saturated to a certain extent.

But you say the injury done by saturation is more than counterbalanced by the benefit done by winter flooding?—I did not say that.

Mr. *Poer*.] He says two of the townlands would be benefited.

Colonel *M'Kerlie*.] I know he does, and it is of those two townlands we are speaking. It is contemplated that, by the carrying out of the proposed works, they will be relieved from all flooding, and with that fact before him, Mr. Russell says they will be benefited to the extent of 4 s. per acre.

Mr. *Russell*.] What I contemplate is this, that though you would relieve them from saturation, you would not stop the winter flooding to a certain extent, but that you would bring them on a par with the other townlands.

Mr. *Le Poer*.] Then are we to understand that in putting 4 s. per acre on them, you did not contemplate the removal of the winter floods?—Certainly not.

But if the winter floods are removed, would you put any improved value on those two townlands?—I think not.

Colonel *M'Kerlie*.] Mr. Lynan, what have you to say about these townlands?

Mr. *Lynan*.] Those townlands are not all equally circumstanced; for instance, take the townland of Clonmacnoise, opposite the Seven Churches, in a remarkable bend of the river, that is frequently flooded. It produces generally not the best quality of hay at present, and I feel satisfied that it would be very materially improved in value by being protected from summer and harvest floods, and by being left dry earlier in spring that the soil might get warm during March and April, and therefore better qualities of grass would spring up and flourish, and the coarse herbage would decline. I think also as a general rule, not universally, but as a general rule, with regard to the lands on the borders of the Shannon, they should be covered by the river for two or three months in winter. The same remark applies very nearly to Creavagh, and the other townlands. Of course such a provision as throwing the Shannon over those callows in winter does not imply that the winter floods should be at all as high as hitherto. They should be covered with a sufficient depth of water to manure the callows, but the water should not be allowed to rise so high as to interrupt the traffic on public roads, or go into the dwelling houses as heretofore. There is a margin between the two quite sufficient. I visited over several of those lands with Mr. Mitchell Henry, the member for Galway.

Was that in 1872?—Yes, I think it was in 1872 when Mr. Mitchell Henry and I made a tour of the Shannon, and we saw scores of haystacks as we went along, covered by two feet of water. The wind had blown the heads off the crops, and there was a great deal of damage done from Athlone to Banagher. I was during the past season in the interior of Roscommon near Major Darcy's place, and I saw the farmers building a fine rick of hay, which they had brought from the callows opposite these Cloonbarrens and others. It was a fine rick of hay, not at all injured, and they assured me they had dragged the whole of it out of the flood, so that not only in 1861, but in several successive years, a great deal of damage has been done to the hay crops, along this reach of the river, from Athlone to Banagher. The entire destruction of the crop is a fatality hanging over them every year, and the mere relief of the owners and occupiers from that fatality which is suspended over them, would be a material improvement. I should think the persons who take these callows in occupancy, if they were sure that their crop would not be destroyed by floods, would give considerably more rent per acre for it.

Mr.

Mr. Fair.] You have said on former occasions that the removal of the winter floods from the lands, without giving them any irrigation, would be injurious?

Mr. Lyons.] Well the crop would be less in quantity, but I think it would be better in quality.

Would it not be considerably less in quantity?—That is not a universal rule; you must have your eye on the particular plot of ground, before you could conclude with certainty. I think from Athlone or Longh Ree upwards, it is no benefit to have winter floods, but that downwards there ought to be a certain depth of water covering the lands for two or three months in winter.

Would that rule apply to Cleannannoise?—It would apply to Cleannannoise.

Do you not consider that those lands would be injured by being deprived of the irrigation nature intended them to receive?—I agree with what you say, using another expression.

I say that they would not have the benefit that is anticipated. The improvement in the quality of the herbage that would result from the taking away of the floods, would be counterbalanced to a greater or less extent by a diminution of the quantity, according to the nature and quality of the soil and other matters.

Have you examined the nature of the land in Cleannannoise?—I have not been able to see Cleannannoise on this occasion, but I have examined several others, and I have seen Cleannannoise previously. There is part of it very good land, but part of it is of a light mealy nature.

It is nine years since I was there. A portion of it is mealy and very bad meadow.

Has it not been always the case with these townlands, to have the winter floods on them for a couple of months in the year?—Yes, for two or three months, and to be soft and saturated for three months more, and to be in annual danger of the crop being destroyed.

Don't they derive benefit from the winter floods?—I have repeatedly expressed my opinion that they do.

Do you think a light mealy soil, such as you have described, would grow meadow without being irrigated, would it not be dried up and parched for want of irrigation?—I am of opinion that irrigation is good in all cases, but the term "irrigation," when used to express the annual flooding of these lands in the winter season by the rise in the level of the Shannon water, is insincere. The flooding that takes place on these lands every winter is not at all so effective and beneficial as irrigation, properly so called.

For instance, on Bishop's Island, part of the property of Dean Benson, the Shannon water does not lie dead, it flows over the land, and the consequence is that it forms magnificent meadow.

The best grass in the world is the description called cat's-tail grass, and that is the quality which Dean Benson's land produces; there is no better grass known for horses.

Mr. Fair.] Because the water by which the land is covered is flowing water.

Mr. Lyons.] Yes, it is not merely covered with the water every winter, the Shannon actually flows over it. When the same water lies on the land for a long time it can only settle what it contains, but when the water flows over it, it receives fresh matter every day. If you had regulating weirs in the Shannon, properly so called, there would be nothing to prevent your closing the gates or sluices on any particular day, throwing the water over the land for 14 or 15 days, or for whatever period you wished, and then opening the gates and letting the water off again; you could in that manner irrigate the lands as much as you wished.

Mr. Fair.] Is that what is proposed to be done under the contemplated works of Mr. Bateson?

Mr. Lyons.] I believe not at all.

Mr. Fair.] Are there not to be regulating weirs at all?

Mr. Lyons.] Oh yes there are.

Mr. Fair.] I think the proprietors ought to know that. Do you understand what the plans which have been adopted by Government are?

Mr. Lyons.] There are two plans, and it is said that Her Majesty's Government has adopted one. I believe much the worse, infinitely the worse of the two. I know what that plan is.

Mr. Fair.] You don't approve of that plan?

Mr. Lyons.] I do not, and I have demonstrated before the British Association, at their meeting in Belfast, and before the Royal Dublin Society in Dublin, that the waters of the Shannon can be regulated to the extent desired by the proprietors, and the navigation at the same time materially improved, at half the expense of the works, which are said to have been adopted by Government.

Mr. Fair.] That is the best news we have heard yet.

Colonel M'Kerlie.] Are you aware that it has been represented that the effect of the winter floods has been to scald and perish the grass, more particularly in time of frost?

Mr. Lyons.] Well, sir, the subject is really not thoroughly understood, as so very important a subject ought to be, but my impression and belief are, and I have heard it repeatedly stated by intelligent farmers, some of whom may be more observant and reliable than others, that at that particular time, in March and April when the frost comes and does harm to tender plants, if there is a body of water covering the land to a depth

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Atkins Adjudicating Inquiry. of two or three inches, the effect is most beneficial in protecting the ground from the effect of frost.

Colonel M'Kerlie.] Then, according to that, the flooding in spring is useful.

Mr. Lyons.] Yes, in so far as it protects the roots and young shoots from being frozen. That is the opinion of a great many intelligent agriculturists. I do not state it, however, as my own opinion, because it is a matter which I believe is not yet thoroughly understood.

Colonel M'Kerlie.] Probably you are aware of what Lord Clanricarde stated before Mr. Bateman in the year 1862. In a paper which his Lordship then read he stated his opinion that the floods brought with them no deposit beneficial to the land, but that, on the contrary, they had the effect of scalding and perishing it, particularly in time of frost.

Mr. Lyons.] I think his Lordship was mistaken.

Colonel M'Kerlie.] And that the effect of autumnal floods is to injure the crop the following year, as well as in the year that they occur.

Mr. Lyons.] Yes; it was stated by several gentlemen that the crop was sometimes so injured in autumn that it could not be mown clean, and a quantity of it remained there, such as I have seen on Mr. Atkinson's ground, and the next meadow was injured thereby.

Colonel M'Kerlie.] You are aware Lord Clanricarde made that statement?

Mr. Lyons.] I am, but as to the first part of his statement, about the floods injuring the land in time of frost, I think he was mistaken. These noblemen and gentlemen, whose residences are near the Shannon, are against all floods, because of the smell that comes into their rooms when the water flows off, so that they have an element to influence their minds which others have not.

Colonel M'Kerlie.] Is the valuation you made of the benefit to be conferred on those lands we are now speaking of, and upon which valuation the assessment in the last column of this schedule is based, relative to that, placed on other lands?

Mr. Lyons.] I think it is. I have examined all these townlands, except Clonmacnoise, recently, and I feel satisfied the valuation that Mr. Bewesington and I put upon them is quite relative.

Mr. Penny.] The next case is that of Mr. John Longworth, pages 28 and 42 of the Schedule.

Mr. Fair.] I must ask you to kindly let that case be over till later in the day, as the witness is not here.

Colonel M'Kerlie.] Very well.

Mr. Penny.] The next case is that of the Honourable Mr. Temple.

Mr. Fair.] Mr. Russell is the witness in that case, and he has just left court in order to inspect those two townlands of Lord Castlemaine's; he will be back later in the day, if you will be so good as to postpone it till later.

Colonel M'Kerlie.] Yes.

Mr. Penny.] The next is Mr. William Cotter Kyle, page 26 of the Schedule.

Mr. Fair.] The same observations are applicable to Mr. Kyle's case as to the other cases I have referred to. Mr. Kyle is very anxious that this great work should be carried out, provided it can be done on reasonable terms, but he is of opinion, and I think I shall be able to satisfy you that he is correct in that opinion, that the assessment on his property is so excessive that it would amount almost to a confiscation of it. The general scale of assessment is about 9*s.*, 6*d.* per acre on these lands, but Mr. Kyle does not consider that, in some instances, the land will derive any benefit at all, and in most of the other cases the assessment should not be one-third of the amount which is proposed to be charged.

Mr. Lyons.] Would he be satisfied with a third?

Mr. Fair.] Well, in some instances, there would be no benefit at all, but one-third would be the outside. I will examine some witnesses who are acquainted with the lands, and they will prove what I have stated.

PATRICK MURRAY, sworn; Examined by Mr. Fair.

Are you in the employment of Mr. Kyle?—Yes, sir.

You manage his property there?—I do.

Do you know the lands of Cloonbeggan?—Yes, sir.

How long have you known those lands?—I suppose about 40 years.

Is there much of those lands subject to floods?—There is.

That is of the lands of Cloonbeggan?—Yes.

These lands are held by Michael and John Naughton, and several other tenants?—Yes.

Are any of these tenants here?—There are.

Do the floods remain long on the lands of Cloonbeggan?—They do.

Have you made any valuation of the amount of benefit those lands would derive by reason of the removal of the floods?—I have.

What amount of benefit would they derive, in your opinion?—I take it into consideration, that while some would benefit, more would be injured. On an average, I consider that

that 2 s. per Irish acre would be the benefit, provided the water was kept down three feet, or  $\frac{1}{2}$  at least, below its present summer level, because Mr. Lynn will tell you that Cloonbeggan lies low, and unless the water was lowered three feet, or  $\frac{1}{2}$  at least, below the present summer level, it would be no use, because it is on the verge of a bog; it is a bad moor.

Suppose it was proposed to reduce the water nine inches below the summer level, would the lands derive any benefit at all from that?—I consider the benefit would be very little; it would enable the cattle to walk a little better on the land than they do; it would do some good, but not much.

You think, under any circumstances, the average benefit derived by the land, even if the Shannon was lowered  $2\frac{1}{2}$  feet, would not exceed 2 s. an acre?—I am sure of it, because it is an inferior class of land.

I believe the rent paid for it is very small?—Yes; some of it is let at 2 s. 6 d. an acre.

And they propose to put 9 s. 6 d. per acre on it?—It is not worth that at all.

You have known these lands 30 years, you say?—I have, and 40 years.

Do you know Cloniff?—I do.

Does the same evidence apply to Cloniff as to Cloonbeggan?—Well, the land of Cloniff, unless a portion, is higher land than Cloonbeggan.

Would Cloniff derive more or less benefit than Cloonbeggan?—Portion of it would be equally benefited to Cloonbeggan, but there are other parts of it that, instead of being benefited, would be injured.

How do you mean injured?—By having the water taken away in winter.

Is it covered now?—No; it is 4 or 5 feet over water at present.

Is it meadow land?—It is.

Is it accustomed to winter floods?—It is.

Would the removal of the winter floods be an advantage to the lands, or the reverse?—I have heard people say the floods serve the meadows at certain periods of the year.

That the floods make the meadows more prolific?—Yes.

Do you believe that they have that beneficial effect?—I do, in case the water did not remain on the land too long.

Suppose it remained two or three months, would that be too long?—No; I consider that would be a benefit; I consider the flooding would be beneficial, unless it remained on the land five or six months.

Do you know the lands of Cooumber?—I do.

The assessment proposed to be made on them is 9 s. an acre; what do you say as to that?—I think it is too high.

How much would be a fair sum to charge?—What I have said before, 2 s. an acre; I consider, taking the entire property, reckoning one townland with another, on an average 2 s. an acre would be reasonable; there are 176 acres in the whole.

In the entire property?—Yes.

And, in your opinion, about 2 s. an acre would be a reasonable amount to charge them with?—Yes, I consider so.

You consider it would not derive any greater benefit than about 2 s. an acre?—That is my opinion; but the tenants of it are here, and they have better experience of it than me.

Would every part of it be benefited 2 s. an acre?—Some parts would not; the callow meadow would not be benefited by it at all.

How much of it is callow?—I could not say.

The waste land would be benefited?—Yes.

You think that would be benefited 2 s. an acre?—I do, if the water is reduced  $\frac{1}{2}$  feet or 3 feet below the summer level.

But if it is only lowered 9 inches?—If that is all the change that is made, it would not be benefited much.

If the water was reduced so much as you say, would it not leave the callow meadows dry?—It would.

Would not that injure them?—It would; but if it would injure one it would serve another.

PATRICK MULVET, sworn; Examined by Mr. Fair.

You are a tenant of Mr. Kyle?—I am.

What townland do you live on?—Clooniff.

How long do you know these lands?—About 20 years.

Is the land you hold subject to floods?—Yes, sir, but not in any way injurious to the land.

Do you think the removal of the floods, and taking the water away from the land, would be beneficial or injurious?—I know it might be of some benefit to part of it, but the greater quantity would be injured, and that the best part of the land.

What kind of land is it?—Meadow.

Has it been accustomed always to those floods?—Yes; but the floods never did us any injury, except through negligence.

Have you ever lost any of your meadow crop by reason of the floods?—No, sir, except it may be lost through negligence.

What do you mean by negligence?—Carelessness in not removing the crop in time.

Then if due diligence was used, and the crop removed in proper time, the floods would not

*Witness*  
*Adjusted Inquiry.* not occasion any loss?—No, sir, it could be all got in before the floods came on the land with the exception of one year, when there was an extraordinary flood.

What year was that?—I do not recollect the year, but I remember it well.

Was it about the year 1801?—About that.

With the exception of that year, do I understand that there were never any crops destroyed on your land?—Never.

You don't think any benefit would be conferred by removing the water off your land? I don't consider there would.

JOHN NAUGHTON, sworn; Examined by Mr. Fair.

What townland do you live on?—Coolembra.

Are you a tenant of Mr. Kyle?—Yes.

How long have you known that townland?—About 40 years.

Is it subject to floods?—It is in winter time.

Are the floods injurious to it?—No.

Do you think the land would be benefited by the removal of the floods?—Part of it would.

How much?—Five or six acres.

Out of how many?—Out of 26 acres, out of the entire of what I have.

The other portion would not be benefited?—No, it would not.

Would it be injured?—It would be injured.

Why?—It is a clay bank, and if it got too dry the meadow would be of no use, for in a dry year we would have no grass.

Have you experience of seasons that have been dry, and when the meadow has been scarcely any use?—Yes.

Have you better meadow at seasons when floods come on the land?—Yes, we get nearly double the quantity.

The five or six acres you speak of that would be benefited by the removal of the floods, what kind of land does it consist of?—It is a coarse quality of land.

It is in the same townland?—It is in the townland of Cloombegbane.

How much would those five or six acres be benefited by the removal of the floods?—About a couple of shillings per Irish acre; not more.

What rent do you pay for that land?—Eight shillings and three pence and 8s. 6d. per acre, on the average.

Suppose an assessment of 9s. 6d. an acre is put on it, what would you say to it?—I say it would not be able to pay it; nor I could not afford to pay it.

You think 2s. an acre, on about six or seven acres would be the full value of the improvement?—I do; moreover, when the winter floods rise, they enable us to remove our meadow easily in boats to different places, and it benefits the land along with that. If the floods were taken away it would be a great loss to us entirely.

Mr. Fair.] I do not propose to examine any other witnesses.

Colonel M'Kerlie.] Mr. Lyman, we wish to ask you, is the charge upon the lands which have been now under notice relative to that placed upon other lands?

Mr. Lynch.] It is; in my opinion the charge is quite relative.

Mr. Fair.] I admit that; it would be idle for me to attempt to controvert it. The assessment may be, and no doubt is, quite relative, but I think I have established beyond all controversy by the clearest evidence that the assessment is far in excess of any benefit the owners or occupiers of the lands would derive from the proposed works, and that, in many instances, they would be injured, instead of being benefited by the removal of the floods.

Mr. Lynch.] Do you mean winter or summer floods?

Mr. Fair.] Winter floods; we say we would be injured if the winter floods were taken away.

Mr. Lynch.] That ought to be stated clearly, so that there may be no mistake about it.

Colonel M'Kerlie (to Witness.) Is it by the removal of the winter floods you say your lands would be injured?—Witness. Yes.

Colonel M'Kerlie.] Would they be injured by the removal of summer or harvest floods?—Witness. No.

Colonel M'Kerlie.] Would you be benefited?—Witness. Well, of course, if the crop was caught by the flood it would be a good thing to have the flood prevented from coming up; but I never lost any hay for the last 17 years by the floods, except in one year; that was the only time I lost anything.

Mr. Potts.] The next case is that of Mr. Potts, pages 30 and 31 of Schedule.

Mr. Fair.] I appear on behalf of Mr. Potts; I gave you his objection very fully on the last day we met here, and I don't know whether it is necessary for me to read it over again that you may understand the points put forward. You have it fully on your minutes already.

Colonel M'Kerlie said it was not necessary to read the objection again.

Mr. Fair.] Very well, gentlemen; then I shall not take up your time with making any statement, but proceed at once to examine my witness.

JONES

JOHN EGAN, sworn; Examined by Mr. Fair.

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Adjusted Inquiry.

Where do you live?—At Callowbeg.  
Are you a tenant of Mr. Potts?—I am.  
How long do you know those lands?—As long as I remember.  
How old are you now?—I am about 48 years of age.  
How many Irish acres do you hold under Mr. Potts?—My brother and myself are joined in the holding.

Have you the entire of those lands?—There are five of us in it; brothers and first cousins.

I believe you hold about eight acres of it?—I hold more.  
Is that land subject to floods?—A small portion of it is.  
Is it meadow land?—Part of it is meadow, and more of it is pasture.  
Do the floods in winter do you any injury?—No; it is a clay bank, and the floods manure it?—The lowest part of it is usually the best.

Is there any portion of it that would be benefited by the removal of the water?—No, sir.

You don't think there would be any benefit?—No, sir; no benefit whatever, because when the water is taken off part of the callow earlier than usual, it shrinks and cracks, and opens.

Has the land always been accustomed to water?—Yes, sir; and before the last drainage works it used to give better crops, but since the drainage we made breaks in part of it, and where we took the clay from is the best part of the meadow, in the clay-holes, where the moisture and water remain the longest.

Then, as a matter of fact, you don't consider that you would derive any benefit whatever by the winter floods being removed?—No; no benefit whatsoever to that part of Mr. Potts' property.

In your opinion, it would be the reverse?—Yes.

PETER EGAN, sworn; Examined by Mr. Fair.

You live at Callowbeg, also?—Yes.  
You are a tenant of Mr. Potts?—I am.  
Are you a brother of the last witness?—First cousin.  
How much land do you hold?—About eight acres.  
What kind of land; is it grass and tillage?—Some meadow, some grazing, and some tillage.

Do you think you would be benefited by the removal of the winter floods?—No, sir; I would be injured. Where the flood comes that is the best place we have, both meadow and grazing; where the flood does not come, the ground gets burnt and dry, and gives very bad produce.

Have you ever lost a crop by the floods?—No, sir; I don't remember it to be taken away by a flood for the last 25 years.

Colonel M<sup>r</sup> Kerrie.] How long do you say?—Something about 26 years, sir. We don't let the flood on it of course; when we see the flood coming, we cut the crop, and save it before the water rises too much.

Mr. Fair.] You were diligent, and saved your crop in time?—Yes, sir.

The land, you think, is improved by reason of the winter floods coming on it?—I do.

And you believe that if they were taken away the lands would be injured?—It would; we would not have near the return of meadow; where the flood comes, is where the weightiest part of the crop grows.

WILLIAM GALVAN, sworn; Examined by Mr. Fair.

You are a tenant of Mr. Potts?—Yes, sir.  
Do you know any of the lands of Crannagh?—I do.  
Do you know the lands of Big Meadow?—I do.  
Do you hold any portion of those lands?—No; I hold at the south side of the canal.  
What do you call your townland?—Dovoge.  
How much land do you hold in Dovoge?—About eight acres.  
Is that near the Shannon?—Some of it runs into the Shannon.  
Is it subject to floods?—It is.  
Do you think you would be benefited by the removal of the winter floods?—I think it would be a loss.

Why do you think it would be a loss?—Because it manures them by the slime it leaves after it.

And, if the winter floods were taken away, how would that affect the crop, in your opinion?—I think it would not be so good.

Is it for grazing you have it, or meadowing?—Some for grazing, and some for meadow.

Have you lost any of your crop of meadow by the floods?—Not these 15 years, and even in that year I was able to save the crop, though I had to take it away; the flood came

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came on it; and I had to remove it, that was in 1860 or 1861, I think; I am not sure which.

And it never occurred since?—Not since.

The assessment proposed to be charged on you is 1*l.* 2*s.* 6*d.* per acre; what do you say to that?—It would be dear enough for the head rent; I would not be able to pay it.

According to your opinion, you would not derive any benefit at all by the removal of the floods?—No, sir; I think it would be a loss to me.

How long do you know the lands?—Since I was born almost. I am 76 years of age now, and I recollect the land 60 years well.

Do you recollect it before the drainage of the Shannon; before the first drainage works?—I do.

Mr. Lynch.] It is right to mention, it is not proposed to charge 1*l.* 2*s.* 6*d.* an acre on that land.

Mr. Fair.] I think you will find that is the assessment in the Schedule.

Mr. Ignew.] What is the name of your holding?—*Witness.* Doyoge.

Mr. Ignew.] There is no such charge as 1*l.* 2*s.* 6*d.* an acre on Doyoge, or any other part of Mr. Potts' property.

Mr. Fair.] I bring the figures to Irish acres, and, when that is done, you will find it comes to that. It would amount to a confiscation of the land if such an assessment is put on it. I want to justify the proprietors in this and other cases in their opposition to this great project, which they would not oppose if the assessment was something in reason; but when we find 1*l.* 2*s.* 6*d.* per acre, and in one case even 1*l.* 2*s.* 6*d.* per acre, charged upon the land, it would amount to an absolute confiscation of the property. I have made a calculation of the amount of the assessment which Mr. Potts would have to pay, and I find that, at the end of 36 years, he would have paid no less than £3,800*l.*, which would be almost equivalent to the fee-simple value of the land.

Colonel M'Kerlie.] I wish to ask the last witness, William Galvan, a few questions. (To the Witness.) You say you have known this land all your life?—Yes, sir, I have held it ever since 1838.

Is it near Athlone?—It is, sir.

Do you live on the land?—No, sir, I live in the town here.

Do you recollect the time before the Shannon drainage works were done?—I do, sir, well.

What state were the lands in at that time. The floods used to come in earlier than than at the present time.

Do you think they were served at that time by the improvement of the Shannon?—I do.

They were served?—They were served at that time.

Do you think the removal of the winter floods would not be a benefit?—No, I think it would be an injury.

Do you say the crops are less subject to injury now than they were before the Shannon improvements were carried out?—They are less subject to injury now.

From 1836 to 1842, that was the year the Shannon works were commenced in, do you remember anything about the summer and autumn floods in those years?—I do, sir.

Was it a fact that the floods came every year on the lands during those six years. Do you remember that?—Every year for six years.

Yes, from 1836 till 1842?—I don't recollect that; I know they used to come in, and the hay should be taken away in harvest time on account of the floods.

Did that occur every year?—I could not say every year.

Colonel M'Kerlie.] The records show that during the whole of those six years the floods came up over the meadows in summer; I don't know your meadows particularly, but in the reach in which your lands are; in every one of those six years the lands were subject to floods during the summer months, and since that time, from 1848 up to 1867, it appears the floods rose over them four times: first in 1852, again in 1860, during the months of June and July; in 1861, in August and September; and in 1866 during the month of September, that is four years out of 19 years.

Mr. Le Fanu.] That is on an average once every five years since the Shannon works were completed.

Colonel M'Kerlie.] But in the six previous years the floods rose over the lands every year.

Mr. Fair.] That was before the former Shannon improvements.

Colonel M'Kerlie.] Yes, and that is an important fact in reference to the allegation which has been made that the former Shannon improvement works were a cause of injury.

Mr. Fair.] I am not instructed to allege that at all. (To Witness.) Have you within the

the last few years lost any meadow crop?—(Witness.) Nothing except in 1860 or 1861.

Mr. Fair.] That was an exceptional year?—Yes, it was. The floods came in August.

Was it a wet season?—It was, but the rains were not heavy till August.

Since that time, you have not lost anything?—No, sir.

You are quite satisfied in your own mind that you would not derive benefit from the removal of floods?—I am satisfied.

Mr. Lyons.] Which floods do you mean, summer or winter?—Winter floods.

Colonel M'Kerlie.] Do you wish to call any other witnesses?

Mr. Fair.] Yes, sir, I think it may be advisable to do so. This evidence may be referred to hereafter, and in justice to the proprietors, I would like to give as much testimony as I can on the question. It may be said the Government did all they could to carry out the project, but that the proprietors opposed it. I want to show that they have good and valid reasons for withholding their assent to it.

Mr. Lyons.] But a good deal of what has been said, and which I think has been said rather casually, would, if read beyond the water, go to show that the removal of any floods whatever would be a damage to you.

Mr. Fair.] No.

Mr. Lyons.] Perhaps that was not what was intended; but that is certainly the tendency of what has been said.

Mr. Fair.] We are referring to riparian lands which have always been accustomed to the winter irrigation, and would be injured if that was removed.

Mr. Lyons.] Then you ought to make it distinctly understood whether you wish to have nothing at all done; or a certain amount done, and no more; explain how much you wish done, if anything.

Mr. Fair.] That will be a question hereafter for Parliament to consider.

Mr. Lyons.] In your opening speech you said, very distinctly, that the proprietors were anxious to have the Shannon waters regulated, so as to insure the occupiers against damage by floods in harvest?

Mr. Fair.] Yes.

Mr. Lyons.] Do you still wish for that?

Mr. Fair.] Yes.

Mr. Le Fèvre.] The evidence we have heard is, that the benefit they would receive by being relieved from autumn floods is very trifling; in fact, the last witness said, that he never lost anything from that cause since the year 1861, and, even then, his loss was very inconsiderable.

Mr. Fair.] Yes; and that the assessment on the lands is out of all proportion.

Mr. Lyons.] I think that if that statement goes before Parliament, and before the English people, as the deliberate opinion of the proprietors of the lands along the Shannon, the result will be they will withdraw what they have proposed to do, and the work will fall to the ground.

Mr. Fair.] We cannot help that; we cannot take these things into account.

Mr. Lyons.] But are you sure that that statement expresses the views of the owners and occupiers of the land? I think that it does not.

Mr. Fair.] Well, you have it stated, on sworn testimony, over and over again, by almost every one who has been examined. I cannot gloss over facts; facts are stubborn things, and you have the positive testimony of those Witnesses, who do not appear to have any interest in the matter, except to tell the truth.

#### GEORGE WARD, sworn; Examined by Mr. Fair.

Where is your land?—Big Meadow, part of it; and Dovoge.

How long do you know these lands?—Since I was able to walk.

What kind of land is it?—Good moorland.

Is it much flooded in winter?—The Big Meadow is flooded in the winter.

Do you think it is flooding injurious to the Big Meadow?—It is no injury to me.

Do you think you would derive any benefit by the removal of those floods?—I think I would not.

Is the land accustomed to be flooded?—It is, but I can always see before the floods rise.

Has the flood been higher any particular years than other years?—In some years it is higher than others, according as the weather would be wet.

Did you lose your crops at any time?—No, sir, I did not.

For what purpose do you use the lands?—For meadow, mostly; I have more of it in tillage, and some of it in grazing.

The assessment on that land is £1. 2s. 6d. per acre; do you swear you don't think you would derive any benefit whatever from the proposed works?—I do, sir; I say I would not get any benefit by it, and the land is dear enough as it stands me already.

Colonel M'Kerlie.] Would the land derive no benefit from it?—Not the least; because if the water was taken away the surface of the earth would get dry and parched, and there would be no crop on it.

Actions  
Adjourned Inquiry.

Mr. Lynane.] I wish to ask you two or three questions: did you ever draw your hay out of the flood with carts and horses?—I never did, but by hands I did it one year.

How long is that ago?—Fifteen years ago.

Is your land close alongside the Shannon?—Ten acres of it are between the canal and the Shannon. I have 10 acres on the south side and five on the other.

What time do you mow your crop?—In July, according as it is fit to mow. Our meadows generally come in early.

Do you live in this town?—No, sir, I live on the lands of Dovoge.

Where is your house?—Adjoining the townland of Dovoge.

Is it close to the town?—Within half a mile of it.

Are you ever obliged to remove from it?—No, sir.

Are any of your neighbours ever obliged to leave their houses in consequence of the flood?—No, sir, not in our village.

Did you ever sign any memorial to Government complaining of the Shannon floods?—No, sir, I never did.

MICHAEL MITCHELL, sworn; Examined by Mr. Fair.

You are Steward to Mr. Potts?—Yes, sir.

Do you know the lands of Correen, Mr. Potts' property?—I do.

That is where Mr. Potts himself lives?—It is.

How long have you known these lands?—About 40 years.

Are they near the Shannon?—Some are and some are not.

Correcubeg; is that near the Shannon?—It is.

Do these lands come near the Suck also?—Yes, sir.

Are they subject to floods?—They are.

Do you think they would derive any benefit by being relieved of the winter floods?—No, sir, but the contrary altogether.

Do you think they are improved by having the winter floods remaining on them?—I do.

State your reasons for believing that?—I see it always leaves a clime or dress of manure like on it, after the water goes away.

Does that fertilise it?—I think so; that is my opinion.

How are the lands used?—Some for meadow and some for grazing.

How long have you been managing them?—Close on 20 years; in or about 20 years.

Have you at any time ever known the hay to be carried away by floods?—No, sir, with the exception of one year, I think. There was one autumn flood that there was loss caused, but it was by negligence the loss occurred. Except in that year, I never knew of any loss taking place.

In every other year the crops were saved?—Yes, sir; if a man cuts his crop in time in the month of July, he will be safe; he need never lose a crop unless by neglect.

You are of opinion Mr. Potts' property would not derive any benefit?—I am, certainly.

Colonel M'Keeve.] Do you think, as far as Mr. Potts' land is concerned, there is no improvement required in the river; is that what I understand you to say?—I think so, sir; I am of that opinion.

MR. WILLIAM T. POTTS, sworn; Examined by Mr. Fair.

You are the proprietor of the lands of Correen?—Yes.

And of Dovoge?—Yes.

And Big Meadow?—Yes.

And of the other lands that have already been mentioned?—Yes.

Do you think your property would be benefited by the removal of those floods?—No, I think it would be decidedly injured.

Have any of the crops on your lands been lost in consequence of the floods?—No, not within my recollection have we lost any crop, except in one year, since the Shannon was deepened. We did lose them one year after the Shannon was deepened.

The amount of your assessment would be something like 250*l.* a year?—I think it would be 235*l.*

So that at the end of 35 years you would have paid over 8,000*l.*?—£ 8,300.

You believe you would not derive any benefit from the improvements?—None; on the contrary, I believe I would derive a very considerable injury, and that my land would not be worth near so much as it is now. Of course I could not expect the same rent for meadow lands if the water is taken off, for they will not be near so good, nor produce such abundant crops, and I could not expect to be paid for what I had not to give.

Would the value be reduced 1*l.* an acre?—I could not tell you that.

Do you think the lands would be injured by the works?—Decidedly; I can see that very plainly.

You would therefore have the satisfaction of paying 8,300*l.* for nothing?—No, not for nothing; I would pay it for an injury.

Does your evidence apply to all your property?—It applies to all my property that is set down in the schedule.

Colonel M'Keeve.] Did you know the river before the improvement works were carried out between 1840 and 1852?—I knew it very well; very well indeed.

Was

Was the liability to floods increased by those works?—No, certainly not increased. The first Shannon works diminished the liability to floods to a certain extent, but for 20 years we never knew what it was to have an unseasonable flood after the works were completed; but since the last arterial drainage the floods have come on greater than before, and it is now nearly what it was before the works were commenced. A memorial was addressed to the Government. It is not dated, but it must have been in January 1881. It was largely signed by some of the most influential proprietors: Captain Bernard, Mr. Pollock, Mr. Drought, and a number of others, in which they complained bitterly of the injuries they sustained from the works which had been carried out, and called on the Government to undertake such works as would remedy the evils of which they complained.

Mr. Potts.] I believe the engineering in that neighbourhood, about Banagher and Meelick, was not carried out in the same manner and with the same advantage that it was carried out with in regard to us and other proprietors farther up the river.

Colonel M'Kerlie.] We have here the signature of Mr. Pollock and other gentlemen apparently a good way up the river.

Mr. Feir.] You did not sign that memorial, Mr. Potts?

Mr. Potts.] No; I never signed it; heard of that memorial, but I have reason to believe the engineering operations at that point were a much greater failure, or at least, did not answer the purpose so well as the work higher up. We had no reason to complain, whatever they had lower down, I mean from Shannon Bridge up here.

Colonel M'Kerlie.] That memorial was the first ventilation of the whole question, which was followed up by the discussion and agitation we have all heard of, and eliminated last year in this Act of Parliament.

Mr. Fair.] I am quite aware of that.

Colonel M'Kerlie.] Is it your opinion that you derived from the works previously carried out all the benefit you required for your lands?

Mr. Potts.] I am perfectly satisfied as I am, but of course I could be made better if you could get the floods under control. If you could regulate the Shannon so as to give us water when we wanted it, and take it off when we did not want it, if your works would accomplish that, I would pay for them willingly.

Colonel M'Kerlie.] Mr. Lyons; you have heard the evidence that has been given as to these lands.

Mr. Lyons.] I have.

Colonel M'Kerlie.] Is the valuation you put upon them relatively equal to that which you put on other lands?

Mr. Lyons.] It is, sir, quite relative.

Mr. Fair.] It would be impossible to prove the negative of that. We would have to travel the entire country, from this to the world's end, before we could controvert that statement.

Mr. Peavy said at the Banagher meeting there were a number of cases of proprietors of lands along the Bruma river, which were adjourned till 12 o'clock to-day.

Colonel M'Kerlie said Mr. Kane had, in the meantime, inspected and made a survey of these lands, and he would now be examined.

Mr. Breerton.] It was stated on the last occasion that the Shannon flood was not known to come up to Ballyougher; one witness swore he never knew it to come up to Inch Island, and another that he never knew it to come above Ballyougher.

Colonel M'Kerlie.] Is Mr. Kinahan's land further up than that?

Mr. Breerton.] It is. The witness stated he never knew the flood to come up to the end of Inch Island; my land is above that.

Mr. J. B. KANE, Civil Engineer, sworn.

Colonel M'Kerlie.] Have you surveyed these lands?—I have; when the flood was on the lands I walked over them at the time, and marked the line on the ordnance map, showing the contour (witness explained the line as drawn on map); that is the black line represented on the ordnance map.

Have you again surveyed the lands recently?—I have.

With the view of solving the question that has been raised with reference to whether the floods by which these lands are covered are occasioned by the overflow of the Shannon waters?—Yes.

What is the result of your examination?—I think the contour line, as laid down on the map, is quite correct.

And that the flood arises from the Shannon?—I saw the land flooded; I cannot say that it arose entirely from the Shannon.

Was the level of the water the same as in the Shannon?—The level of the water on the lands was higher than in the Shannon, and it was flowing towards the Shannon.

If the Shannon were lowered, would the floods be removed?—If the Shannon were lowered the lands would still be subject to floods from the Bruma; because these lands are flooded by the Bruma on some occasions without the Shannon. Whenever the Shannon is up the lands are flooded, and sometimes they are flooded when the Shannon is not up, because the channel of the Bruma is not able to take away the water.

Adjourned Inquiry

*Abhainn*  
Adjusted Inquiry.] If the channel of the Brúna were enlarged, and the level of the Shannon lowered, would the lands then be flooded?—No, not if the Brúna was lowered.

Mr. Breerton.] That is my objection. He says the lands would not be flooded if the Brúna was lowered; but that is what the present works do not propose to do.

Mr. Le Fauve.] Quite so; but the lowering of the Shannon is the first step in the work; the enlargement of the channel of the Brúna is the next. If you made the channel of the Brúna as large as you pleased, still your lands would be subject to floods in the present state of the Shannon; but Mr. Kane tells you, that if the level of the Shannon is lowered, as intended, and then the channel of the Brúna enlarged, the result would be to remove the floods.

Colonel M'Kerlie.] It would be necessary to enlarge the Brúna?

Mr. Kane.] Yes.

Colonel M'Kerlie.] The main point is this, that no matter how much you improved the channel of the Brúna, you would still be liable to floods from the Shannon. One work would do you no good without the other.

Mr. Breerton.] What we contend is that it is not the Shannon overflow that floods our lands, but the mountain floods that overflow the Brúna.

Colonel M'Kerlie.] That may be, but until the level of the Shannon is lowered, it would be impossible to relieve you from floods. Enlarge the Brúna as much as you please, still you would be liable to be flooded, until the level of the water of the Shannon was lowered.

Mr. Le Fauve.] That is exactly what Mr. Kane states.

Mr. Breerton.] But supposing the Shannon works are done, still your engineer will tell you we will suffer from floods as at present.

Mr. Le Fauve.] Yes, unless you improve your own river.

Colonel M'Kerlie.] At present you are liable to floods, occasioned partly by the Shannon, and partly by the Brúna. It would be of no use for you to form yourselves into a local drainage district until the Shannon was lowered; but when the Shannon is lowered, you will then have it in your power to form yourselves into a local drainage district, and to enlarge the channel of the Brúna, and by that means relieve yourselves from floods.

Mr. Le Fauve.] Mr. Breerton's objection is, that he would first be called on to contribute his share of the expense of lowering the Shannon, and that afterwards he would have to pay over again for improving the channel of the Brúna.

Mr. Breerton.] Yes, that is my objection.

Colonel M'Kerlie.] It is a question of amount. If, by the proposed Shannon works, you obtain facilities for draining your lands which you did not possess before, there is nothing unfair in requiring you to contribute.

Mr. Le Fauve.] Those lands should not be charged so highly as the lands that are situated on the line of the Shannon.

Mr. Breerton.] We had very little rain on Friday night, but on Saturday we were all flooded, while there was not a drop of water covering some of the lands below us. Below the ford was perfectly dry, but from that up it was all saturated with water.

Colonel M'Kerlie.] All we can do on that point is to cause the lands to be inspected again, and the contour lines still more clearly defined. There is a certain amount of fall to your lands from the Shannon as at present circumstanced. All we can do is to measure how far the back water from the Shannon reaches; we can ascertain that by the levels; that will be the boundary of the lands to be charged, and in addition to that we will reconsider the question of amount.

Mr. Breerton.] Thank you. We were under the impression that it was proposed to put us under the Board of Works for the purpose of enabling us to drain the Brúna.

Colonel M'Kerlie.] We trust that we shall be able to satisfy your difficulty.

Mr. Breerton.] As your engineer is here now he could give an idea of what would be the best to be done.

Colonel M'Kerlie.] We have not the data here to enter into the question now.

Mr. Le Fauve.] We will have the levels taken, and the result will be communicated to you.

Colonel M'Kerlie.] There is a statement in the report of the inquiry held by Mr. Bateman in 1861, made by Mr. Kinsahan, which is somewhat important. He says, "I am a proprietor of land upon the little Brúna, half way between Meelick and Birr. The back water of the Shannon comes up to us. We had about 120 acres of land under water last year, during nearly the whole year. This land is included in Mr. Lynam's estimate of land liable to be flooded. The injury to us (he says) is partly from the back water of the Shannon, and partly from the additional quantity of water thrown down from above."

Mr. Breerton.] I would wish to ask Mr. Kane a question: from the 1st of April to the 1st of October do you think the Shannon water could come up on Inch Island?

Colonel M'Kerlie.] Mr. Kane could not answer that now; he would have to look at the lands again before he could give an answer to that question.

Mr. Breerton.] Then the answer I have to give the proprietors along the Brúna river is, that the lands will be inspected again, and the valuation schedule will be amended.

Mr. Le Fauve.] Yes, and that no lands will be included in the valuation that are not subject to the Shannon floods; all that are within the area of the Shannon floods will be included, and if, in addition to the proposed Shannon works, any additional outlay would be

be required for the complete relief of those lands from flooding, that circumstance will be taken into consideration in the assessment.

Mr. *Brevet*.] Of course we should be only charged proportionally to the benefit received. If we have to pay for being provided with a fall into the Shannon, the charge for that should be proportional.

Mr. *Le Fanu*.] Yes.

Athlone.  
Adjourned Inquiry.

Mr. *Perry* said the next case was that of Major *Graves*.

Mr. *Mitchell*, solicitor.] I appear on behalf of Major *Graves*, and really I have very little to say in addition to what you have heard already on behalf of the other gentlemen who have lodged objections. They all appear to agree on one point, namely, the excessive amount of the proposed assessment. Major *Graves* is quite willing to agree to the contemplated works, provided a reasonable sum were charged; but he believes that the proposed assessment is more than the fee simple of the land is worth. I do not think, on behalf of the parties for whom I appear, that it will be necessary for me to occupy much of your time, as it would only be going over ground already traversed by previous witnesses; but some of the parties are desirous of being examined, in order to show that the same state of facts exists in their case as in the case of the proprietors who have already given their testimony before you, namely, that the winter floods benefit the lands to an enormous extent, and that, if taken away, the result will be very serious damage. It does appear a singular thing, I acknowledge, that proprietors who no doubt were formerly very anxious for the improvement of this river should now offer objections to it; still, I think this apparent inconsistency may be explained. The main objection, in which all the proprietors agree, is to the amount of the assessment. Some of the parties in occupation of the lands, and Lord *Ashbrook's* agent, Mr. *Hare*, who is here, agrees with them, and is ready to be examined on the matter, say that the lands will be considerably reduced in value if they are deprived of winter floods. But as regards the present case, Major *Graves* stated to me that on principle he was anxious the work should go on, but he objects to the assessment, the amount of which is far beyond what he could have possibly anticipated. I do not wish to take up your time unnecessarily.

Colonel *M'Kerlie*.] If you wish to call any evidence, we shall be most happy to hear it.

Mr. *Mitchell* requested the Commissioners to postpone going into the evidence for a few minutes, until the witnesses whom he proposed to examine returned into court.

Mr. *Perry* said, the next case was that of Mr. *Headcock*, page 36 of Schedule. Mr. *Headcock* had stated that his lands were not flooded in 1861, and that there was some mistake in the survey.

Mr. *Kane*.] The level of the water, when I marked the contour line, was at the same identical height as the flood of the autumn of 1861.

Mr. *Le Fanu*.] I think if any error at all was made, it was the summer flood was not correctly marked.

Mr. *Perry*.] He states that the winter flood too was not correctly apportioned. Mr. *Lynan* has since the last meeting gone over the lands, and has sent in a report. [Mr. *Perry* read the report, in which Mr. *Lynan* recommended that the engineer should take the levels again.]

The Commissioners having consulted—

Colonel *M'Kerlie* said, We will have the levels inquire into by Mr. *Kane*, and he will report the result.

Mr. *Perry*.] The next case is that of Mr. *James Kelly* (page 24), which was adjourned from last day, in consequence of his having to attend the sessions.

Mr. *Kelly*.] I appear in support of my objection.

Mr. *Perry* read the objection of Mr. *Kelly*, which was as follows:—

"Sir,  
"Johnstown, Athlone, 29 January 1875.

"With reference to the valuation of the lands proposed to be drained and improved by lowering the water of the River Shannon, described on the maps lodged at the workhouse of Athlone, as Ordnance sheets, No. 55, reference on map 1 and 2, barony of Athlone, and county of Roscommon; repeated proprietor, J. H. Dillon; present proprietor, James Kelly; occupiers, Henry McManus and others, &c.; townland of Drumloah. I object to such valuation as excessive, both as to extent and amount; and I also object to being taxed £1,328 L. 9s. 10d. for benefits presumed to be conferred by the proposed drainage of Drumloah; same being in excess of any possible benefit which can be conferred on said lands by the drainage of the River Shannon."

"I have, &c.  
(signed) "James Kelly."

Mr. *Kelly*.] The objection I make is, that the proposed improvement will not confer the improvement on the land estimated in your Schedule. The Schedule states the benefit likely to be derived by bringing the water down to the summer level would be 91 L. 8s. 6d.

Mr. *Le Fanu*.] There allow me to correct you. That is not the benefit; the Schedule does not state that that will be the benefit; what it says is, that if the works should be carried out, that is the sum you would have to pay.

Athlone  
Adjusted Inquiry.

Mr. Kelly.] It is rather curious that a man should be called on to pay for what he does not get any benefit from.

Colonel M'Kerlie.] That is entirely for you to consider.

Mr. Kelly.] At all events, the proposed taxation on those lands is 91*l.* 8*s.* 6*d.*, and my objection is that sum is excessive. I got some years ago a survey and map made of the property, and from that map I find that the tenants pay 40*l.* 5*s.* 3*d.* for the fallow, and that there is another piece of rough pasture, which is occasionally covered at high floods, for which they pay about 30*l.* more. The benefit I think the fallow meadow will receive is about 10*s.* an acre; not more than 10*s.* an acre on 31 Irish acres.

Colonel M'Kerlie.] That would be 25*l.* a year.

Mr. Kelly.] Yes; and the benefit to the rough pasture I estimate at 5*s.* an acre.

Colonel M'Kerlie.] How many acres are there in that?

Mr. Kelly.] Seventy-three; your estimate of the extent of land liable to be flooded is 200 acres; but this year's floods certainly did not cover more than 150 acres.

Colonel M'Kerlie.] There was a high flood in the January of this year.

Mr. Kelly.] Yes. There have, of course, been higher floods than that; and the ground is very flat there.

Mr. Le Fous.] Then the whole benefit would be 44*l.* a year, according to your estimate?

Mr. Kelly.] Yes, sir, instead of 91*l.*

Colonel M'Kerlie.] Have you any further observations to make?

Mr. Kelly.] No, sir; no further observations. I walked over the lands within the last few days, and I cannot imagine how more than 10*s.* an acre could be put upon that land for drainage.

Colonel M'Kerlie.] You, however, admit that it would be benefited?

Mr. Kelly.] Yes, to about the extent of 10*s.* per acre, by having the water kept at summer level.

Colonel M'Kerlie.] And by being saved from floods in winter?

Mr. Kelly.] Yes, by being saved from floods in winter. With me the winter flooding is not the great benefit that it is in other places, because the land is all moray in its nature, and not alluvial; there is only a small part of it alluvial, and it does not receive so much benefit as other places do by the winter-flood.

Colonel M'Kerlie.] I think that about a couple of miles from you are the lands which are the property of Mr. Potts, and which we had under discussion to-day.

Mr. Kelly.] I think Mr. Potts' estate is something more than two miles from me.

Colonel M'Kerlie.] Do you know these lands?

Mr. Kelly.] I do; but I never walked on them.

Colonel M'Kerlie.] Do you know what difference there is in the character of the soil between Mr. Potts' land and yours?

Mr. Kelly.] I know many of the fallows there, but not Mr. Potts' in particular.

Colonel M'Kerlie.] Are there many fallows of the character of yours?

Mr. Kelly.] Not very much. I wish to say, I should be sorry to give any opposition to the works; but the tax seems very high.

Colonel M'Kerlie.] You are in favour of the work?

Mr. Kelly.] I am, in the principle of the thing; but the tax is too high; I look on the proposed tax as almost a confiscation of the property.

Colonel M'Kerlie.] We do not at all say that that is the value of the improvement; it is merely your share of the 150,000*l.* which the Act of Parliament directs to be assessed on the proprietors.

Mr. Kelly.] Yes, I understand that.

Mr. Mitchell said Lord Ashbrook's agent, Mr. Hare, was now in court, and he requested the Commissioners to take up the case of Lord Ashbrook, as Mr. Hare was desirous of being examined.

The Commissioners having assented—

MR. PATRICK HARE was examined by MR. MITCHELL.

You are Agent for Lord Ashbrook?—Yes.

How long are you agent?—Twenty years for this estate.

Do you know the lands which are proposed to be benefited by this drainage of the Shannon?—I do.

Have you been in the habit of letting the meadowing of the lands?—I have, part of it.

What rent have you been in the habit of getting for the meadows?—Between 5*l.* and 6*l.* per Irish acre, averaging that.

What is the character of these lands?—Callow meadows.

Supposing they are deprived of the floods that come on them in winter, what would be their value?—I should say, very little.

About how much would they be worth?—From my knowledge of one or two years that we had no winter floods, I should say they would be worth very little. I know I was obliged to graze them the following summer; I could not let them.

Yes

You could not let them as meadow?—No, not these two years.

That being so, what, in your opinion, would be the highest sum you could get for them, supposing the winter floods were removed?—Well, they were let for 30/- an acre when I became agent first; and only small portions of the meadow let at that. Then I took it up, and took the whole of it into my own hands. I don't know whether that is a criterion of the value now when the winter floods would be taken off, or whether they would be worth more than 30/- an acre. I should say not.

Is it your opinion that the lands would be injured by the withdrawal of the winter floods?—Materially.

*Colonel M'Kerlie.*] I understand it is 20 years since you first became acquainted with those lands?—Yes. The estate was purchased by Lord Ashbrook about that time.

How much do you say the meadows brought you at that time?—When I came, parts of them were let at 30/- per acre. The parts I am speaking of are near the town of Shannon Bridge, townland of Cloonfeen. We have the whole of that meadow on hands now, and let it every year, getting, on an average, 5/- an acre for it.

To what do you attribute the increase in the value?—Well, partly to this, that it is now fallow meadow every year.

What was it before?—I don't know how it was before. It was let under the court. Two or three small portions of it were let, small portions in the centre of that large piece of ground, comprising some 50 statute acres. The land would be valueless if you had not the control of the whole of it, for there were no fences, and you could not grass it. I therefore took the entire of it into my own hands, and it is now let annually as meadow. I find that the longer the floods cover it in the winter the better, provided they go away early in the summer.

I presume you do not know the condition of those lands before the former Shannon drainage works were carried out?—No.

Are you aware that subsequent to these works, part of them were let at a much higher rent than previously?—I could not say.

*Mr. Le Fèvre.*] Do you suffer from autumn floods?—I recollect one year part of the crop was lost because they left it out too long; it was their own fault.

When was that?—I could not tell you exactly; I know it only occurred one year; it is eight or 10 years ago.

Do you think you would receive any benefit at all from the proposed drainage works?—Certainly not, as to the meadow.

Do you consider, on the whole, that the carrying out of the works would be injurious to Lord Ashbrook's property?—I certainly say so, as far as regards the fallow meadow along the Shannon. I know the tenants are very much opposed to it.

You say no benefit, but rather an injury, would result from depriving the lands of winter floods?—Decidedly.

I thank you said the occasions were very few on which any loss has been suffered from floods in summer?—Very seldom. I never knew it to occur but once, and even then the injury was very trifling.

*Mr. Mitchell.*] The crop was left out too long?—It was left out too long.

*Mr. Le Fèvre.*] Would you set much value on being relieved from autumn floods?—I would not. I would not pay anything for it. By getting the hay cut early, there would be no risk in that way.

*Colonel M'Kerlie.*] Do you think it would be an advantage to you if you could regulate the time during which the water remained on the land in winter, instead of it having the mastery over you?—No, I would like the water to remain on it the whole winter.

It would be no advantage to be able to throw it over the land whenever you liked?—I think if you had power to do what you liked with the water, it would be an advantage, of course, because you could then take your own time to draw away your hay, and all that.

*Mr. Le Fèvre.*] As regards irrigation, you are now, of course, subject to the floods whenever they come sufficiently high; but supposing you were in a position to allow the water to come over the lands, whenever you desired it, for a month, or six weeks, or two months, if you were in a position to do that, would it not be a benefit to you, instead of being at the mercy of the water whenever it comes?—I would not like to be at the mercy of the water; at the same time I do not see my way to answer that question. I always have found a benefit from the floods, and therefore should be extremely sorry to have them removed.

Mr. LYNAM was examined by Colonel M'Kerlie.

Is the valuation you put on those lands for the contemplated improvement relatively equal to what you put on other lands?—I think it is. I walked over these lands within the last 10 days for the purpose of refreshing my memory as to the lands proposed to be benefited, and the valuation I put on it; I examined it very closely, and I am of opinion that the valuation I made of the improvement that would result to it, from regulating the waters of the Shannon, is not only fair in itself, but relative with what I put on other lands.

With regard to Mr. James Kelly's land, which we were discussing just now, does the same observation apply?—It applies to it, with this difference, that it is a very remote place, and I have not seen it recently.

Mr. Atkins  
Adjusted Inquiry.

You and Mr. Brasington agreed on the valuation?—We did.

Was it relative; was it put on fairly in relation to other lands?—It must have been, for we walked every bit of the ground, and examined it with great care.

And you agreed in your valuation?—Yes; we made our valuation independently of each other, and then compared the results. We did not differ, except to a very trifling extent, and wherever there was any difference, we conferred together, and adjusted our differences.

Mr. Mitchell.] Do you think the waters of the Shannon could be regulated for a smaller amount of expenditure than Mr. Bateman proposes?—I attach a great deal of importance to the phrase "regulating." It is a direct confirmation of what the Chairman has just stated, in asking Mr. Hale the question, would it not be of great value to the lands if the proprietors and occupiers had power over the waters, instead of, as at present, the water having the mastery of the occupiers; water is a good servant, but a bad master. At present the water is your master; but to regulate the waters of the Shannon, so that you would be able to control them within certain limits, is what I think should be done.

You have not yet answered the question I asked you; could it be done, in your opinion, for a less amount of assessment than is proposed?—You have not been in court on former occasions when I was asked that question; I can only repeat, what I have said already, that I am prepared, before any proper tribunal that may be appointed by Government, to prove to demonstration that the waters of the Shannon may be regulated so as to improve the grounds on the borders by letting the water cover them to whatever extent may be considered desirable, and no longer, and at the same time improving the navigation, for the sum of 150,000 £, instead of 300,000 £.

Mr. Mitchell.] That is the best thing I have heard since I came here.

(Mr. Lyons.) By regulating the waters, I mean, as follows: that at a certain period in spring, to be fixed on after careful inquiry, the gates should be opened and the waters let suddenly down, from 12 to 18 inches under the surface of the low lands, so as to let them dry after the winter's flooding; that when the dry weather of May and June arrives, and when the surface of the ground may be covered only by a bare stubble to some extent, and when the winds of this season would dry up the roots of the grass very much, that about that time the gates should be closed to such an extent as would bring the level of the water within 10 or 15 inches of the surface of the soil, that should remain there, for saturation at that season is good; that it should remain there during the dry weather, affording abundance of water for cattle and other purposes, and preventing the land from becoming parched; and when, in the middle of July and August, the grass would be covered by a luxuriant crop of meadow, and would no longer require moisture, the gates should be opened and the waters let down throughout the Shannon, and all its lakes, to the lowest level that the navigation requirements would permit. That is what I call "regulating" the waters of the Shannon, and I believe it to be perfectly practicable at a small expense.

Mr. Le Poer.] There were two gentlemen examined here to-day, living within two miles of each other; one of them said he believed his lands would be greatly injured by being deprived of the winter floods, the other said he would prefer being relieved of the winter floods, as he considered them an injury; how would you provide for such cases as that; how would you keep the water off one person's land and retain it on another's?—(Mr. Lyons.) I have been considering that, sir, and I think it is quite practicable, to a certain extent. Of course we never could please all parties.

Mr. Fair.] You never can carry out any public project without some persons being dissatisfied, and urging that they have a grievance?—Mr. Lyons. Yes, either real or imaginary.

Mr. Fair.] Perhaps both real and imaginary, or partly one and partly the other.

Mr. Mitchell asked to be permitted to examine a witness in reference to the case of Mr. F. H. Thompson, page 18 of Schedule.

Mr. WILLIAM HENDERSON, examined by Mr. Mitchell.

You are Agent for Mr. Thompson?—I am.

And also a tenant of his?—Yes.

How long have you known the lands?—From the year 1836.

You know the winter floods?—I do, well.

Are they an injury to you?—On the contrary, I am very fond of them.

Fond of what?—Fond of the winter floods.

Are they a great injury to the islands?—They are the greatest possible service.

What is the value of the land per Irish acre, taking into account that the floods go over them in winter?—Do you mean my own land?

Yes.—I get 6 £ an acre for some, and upwards for more. It is so good at present that I think nothing could make it better. That is my opinion.

Suppose the floods in winter were taken away, what, in your opinion, would be the effect on the value of the land?—My opinion is, I verily believe it would not be half the value it is at present, for I would neither have quality nor quantity in the crop.

You are perfectly acquainted with the land?—Perfectly. I know it all.

Do

Do you consider it would be greatly injured by the removal of the floods in winter?—I do. I could not get on without the winter floods. The only thing we dread is the summer and August floods; and with proper care, we need never lose a crop in the summer or autumn.

Colonel M'Kerlie.] Have you ever suffered any loss by autumnal floods?—We did in the year 1861, but it was all owing to our own neglect.

Was there much lost?—Nearly all the crop. There was one lively man; he cut his hay in time, and saved it. We all could have done the same if we had proper diligence.

If you were as "lively" as he was?—Yes.

Mr. Mitchell.] You have spoken of the two islands?—Yes.

Do you know the other lands of which Mr. Thompson is owner?—I do.

Do you know Egan's land?—I do.

Speaking generally, do the observations you have made with regard to the islands apply to all the other townlands of Mr. Thompson's property?—Yes, I consider they are all the one way.

Is it your opinion that it would be a benefit to be relieved from summer and autumn floods?—Well, we don't lose by them, but at the same time we are a little in dread.

Mr. LeFevere.] Would you attach much value to being relieved of autumn floods?—No, I do not; for, if we use proper diligence, we can take our crops away before the floods come up.

Then you do not consider it of much importance?—Not much, sir; if a loss occurs, it is their own fault; they sometimes eat their meadow and leave the hay on the land five or six weeks.

Mr. Lyman.] I would wish to ask Mr. Henderson a question or two.

Colonel M'Kerlie.] Be so good as to put your questions through me.

Mr. Lyman.] I want to ask him, has he seen in different years (I am positive it occurred in 1861, for I saw it myself), the fishermen in boats, dragging the bay out of the flood, and spreading it out to dry over again?—Never, sir; never on Mr. Thompson's land.

Are you aware Mr. Thompson estimated his loss in 1861 at 700*L*?—He did not lose a penny, sir, for we had all to pay him the rent.

Perhaps he included your losses in his own; but this was what he stated in 1862; he stated, "There were 250 acres of my land flooded in 1861. I estimate my losses in that year at 700*L*?"—(Witness.) Well, sir, the rest was paid to him; he made every one of us pay it.

Mr. Mitchell.] Did you say 1861 was the only year in which any loss occurred?—The only year.

Colonel M'Kerlie.] When a flood of that kind occurs, does it, in your experience, deteriorate the crop the following year?—Well, it did; the crop was worse the next year; but then it improved again after that, and nothing could make it better than it is now, I think.

In 1861 you lost some crop?—Yes.

Never since that?—From the year the Shannon was drained we never lost, except in the one year.

Mr. LeFevere.] Did the former Shannon works do you harm or good?—Good. I wish to say I strongly object to being charged 78*L* a year for 35 years for the proposed improvement of the Shannon. It would come to 2,730*L*, which is entirely too much.

Mr. Mitchell.] I wish merely to mention the case of Major Graves, and to state that I have no witnesses to examine; but he objects to the acreage and the assessment.

Colonel M'Kerlie.] We have undertaken to have inquiry made into that.

Mr. Fair said there were one or two townlands of Lord Castlemaine's held over, in order to enable Mr. Russell to drive over and see them. Mr. Russell had now returned, and was ready now to be examined.

Mr. F. W. Russell, recalled, and further Examined by Mr. Fair.

Mr. Russell, have you visited the lands of Bunnaribba and Killough?—I have. What kind of land are they?—Chiefly moory.

Are they grass land?—Yes.

Are they near the Shannon?—They are.

Riparian land?—Yes.

Do you think any benefit would accrue to them by the removal of winter floods?—I think they would be injured as well as other riparian land.

Do you think that, instead of being benefited, they would be injured?—I do.

Would they derive, in your opinion, no benefit from the contemplated works?—That is my opinion.

You saw them to-day?—Yes.

Colonel M'Kerlie.] Are these lands of the same character as the other townlands you referred to this morning?—They are. Perhaps they are a little more moory, and more inclined to bog, but still they would be highly benefited by flooding; more so than clay soils.

Athlone  
Adjusted largely. Is it your opinion that moory soils are more benefited by flooding than clay?—Well, not in all cases. I have seen clay soils equally benefited, but there is hardly ever soaking or saturation in a moory soil.

We have had the evidence of a gentleman to-day, that his lands, which are of a moory description, would be benefited by the removal of the floods?—I think common sense would show that such an opinion is erroneous. Common sense will tell you that moory lands require more water than clay soils do. Evaporation takes place so much quicker with them.

Mr. *Le Poer.*] Would you attach much importance to having these lands relieved from autumn floods?—Certainly I would.

Mr. *Fair.*] I may observe that the assessment would, in the case now under consideration, amount to 15*s.* per Irish acre per annum for 35 years; between 14*s.* and 15*s.* per Irish acre; and Mr. Russell's evidence is distinct that they would not derive the slightest benefit from the removal of the winter floods.

Colonel *M'Kerlie.*] Would they derive benefit by being relieved from summer floods?—Certainly.

Mr. *Le Poer.*] What charge would you put upon them per Irish acre for the benefit of being relieved from summer and autumn floods?—If the crops were cut, and that the field came hoisted they could be removed, there would be a complete loss; the only question is, what would that be worth for the season; the crop of hay is worth about 6*s.* per acre.

Mr. *Fair.*] I think there is evidence that a loss of crop only occurred in the year 1861.

Colonel *M'Kerlie.*] There were three years. In June and July 1860; August and September, 1861; and in 1862. We have had evidence that the meadows could not be mown in consequence of those floods.

Mr. *Russell.*] I have no doubt that the witnesses who gave evidence here to-day stated the exact truth when he said that if farmers were a little more lively, they would not suffer.

Mr. *Fair.*] Does the same evidence that you have given with regard to Bannaribba apply also to Kilhannah?—Yes.

Mr. *Fair.*] A very important question for consideration would be, how far matters could be so arranged that the waters of the Shannon could be regulated in the way mentioned by Mr. Lynam, instead of incurring a heavy expenditure of money, as proposed in the Government scheme. If the Shannon could be regulated in such a way as to guard against summer floods, while retaining and regulating the winter floods, it would be a great desideratum.

Colonel *M'Kerlie.*] It is a very large question, and we cannot enter into it here.

Mr. *Fair.*] Of course not, sir, except to discuss it and ventilate it.

Colonel *M'Kerlie.*] That has been pretty well done, I think.

Mr. *Fair* said there was a case of Mr. William Charlton, page 14 of Schedule, which had been held over. Mr. Charlton was now ready to be examined.

Mr. *Perry* read Mr. Charlton's notice of objection.

#### MR. WILLIAM CHARLTON, sworn; Examined by MR. FAIR.

You occupy the lands of Clonmacnoise?—I do.

The portion of these lands proposed to be relieved from flooding, is 116 acres 1 rood 30 perches statute measure?—Yes.

The assessment proposed is 62*L.* 7*s.* 4*d.*, being at the rate of 14*s.* per Irish acre; now do you consider that these lands, by being relieved from winter floods, would derive benefit?—I consider, on the contrary, that they would be seriously injured.

What use do you make of the land?—I have it in meadow.

What do the meadows bring per acre, on the average?—About 5*s.* per acre.

Have they been always accustomed to irrigation?—Always.

Do you believe the winter floods are a benefit to the lands?—Yes.

In what way?—By leaving a manuring deposit on the land.

Have you experience of seasons when the winter flood did not cover the meadows?—I have; some years, of course, the crop of hay has been inferior to others. That is owing to the flood not coming up on the land high enough.

Then you are of opinion, according to the best of your judgment, that you would derive no benefit whatever from the removal of those floods?—No benefit whatever; quite the reverse.

How long have you known the lands?—I have known them 28 years.

You farm them yourself?—Yes.

And from your practical knowledge and experience, you are of opinion you would derive no benefit?—None whatever.

With regard to summer and autumn floods, suppose that the water could be regulated in such a way, that while preserving the winter floods, you could be protected from summer and autumn floods, would you be benefited by that?—Oh, yes, I think that would be a very useful improvement.

That

That would be a benefit?—It would.

Would it be a benefit to the extent of 15 s. an acre?—No, I don't think it would be anything like that.

Would it benefit to the extent of 10 s. an acre?—I don't think it would.

Five shillings an acre?—I don't think so; I think if you said 2 s. 6 d. an acre it would be about the mark.

Have you ever lost any of your crops by summer and autumn floods?—Yes, in 1861 they were lost, but that was an exceptional year.

Was the whole crop lost that year?—Nearly.

Since then you have had no floods?—Nothing worth speaking of; any damage, in fact, was owing to the negligence of the parties that took the hay.

You set in comacre?—Yes.

Did those persons who took in comacre complain of having lost the meadows since 1861?—They have complained in some few cases; but then it was entirely owing to their own negligence; if they had cut the meadow in proper time there would have been no loss.

Were they damaged in any way?—Yes, somewhat.

Was the damage slight or serious?—In some cases serious, in others slight.

Is it your opinion that any damage that occurred was owing to their own negligence?

—I am certain of it.

Mr. *Le Fèvre*.] Can you account for their leaving the hay so late?—I can, sir; I set my meadows generally in the end of July, or the first week in August at furthest, but those parties that take the meadow go and cut their corn, and postpone the cutting of their meadows, and leave it too late, and the chances are that by the time they come back the water will be up.

Then, is your opinion, if they cut it in time they would not lose it?—I am sure they would not.

In 1861 would they have been able to save their crop by using diligence?—Well, that was an exceptional year; I could not well say about that; the floods came up very early in that year.

Do you know whether the works done by the Shannon Commissioners in 1865 were an advantage in your district, or not?—I don't consider they were; in my opinion they were of little or no use.

Are they an injury?—I cannot say that they are an injury, but I consider them to be of little or no use; I was not in the country at the time they were done, but I see the result.

Mr. *Fair*.] You think they are of no advantage to your land?—Little or nothing.

You would not be at all satisfied to assent to this project, and to have an assessment of 62 £ 11 s. 4 d. upon you?—No, I think it all lies with the people themselves; if they exert themselves as they ought to do, they can remove their hay in proper time, and have no loss.

Mr. *Lynam* was Examined by Mr. *Le Fèvre*.

I wish to ask, do you consider the valuation you made of those lands fairly relative to the valuation put on other lands?—Yes, sir, certainly; it is fairly relative.

Mr. *Fair*.] You did not put 62 £ 11 s. 4 d. on them?—I think it was two-thirds of that sum we put on. I know the lands and Mr. Charlton. I think Mr. Charlton has described them very correctly, subject to this observation, that the relieving of them from autumnal floods would be worth more than he estimates.

Mr. *Perry* said the next case was that of Mr. Robert Adamson.

Mr. *Fair*.] He is not here.

Mr. *Perry*.] The next is Mr. John Longworth.

Mr. *Fair*.] He is not here either.

The case of the Honourable R. T. H. Temple, page 44 of Schedule, was taken up.

Mr. *Fair*.] I appear for Mr. Temple, and with your permission, I will examine Mr. Russell, who has seen the lands, and can speak as to how they would be affected by the contemplated works.

Mr. FREDERICK W. RUSSELL, re-called; Examined by Mr. *Fair*.

Have you seen the lands of Killinure, and the other lands mentioned in the Schedule, the property of the Honourable Mr. Temple?—Yes.

Are they riparian lands?—They are lake lands.

Have you made an estimate of the probable benefit Mr. Temple would derive from the proposed works?—I have.

Is that estimate founded on any particular basis?—It is founded on the supposition that the waters will be lowered from 3 to 3½ feet under their present level.

If they are not lowered 3 to 3½ feet, what, in your opinion, would be the result?—I think there would be no benefit.

Athlone  
Adjudicated Inquiry.

*Mr. Le Fanu.*] Suppose the water was lowered nine inches below the present level, would there be any benefit?—Well, there would be some to a certain extent; but the more you lower the lake the more the lands will be benefited.

*Mr. Fair.*] If the lake was lowered nine inches, would the lands be benefited?—They would, but it would be only a bagatelle; a mere trifle.

What is your estimate of the benefit they would derive if the water were lowered from 3 to 3½ feet?—From 6 s. to 8 s. per statute acre.

You have not made any estimate of the amount of benefit that would be conferred on the lands by lowering the water nine inches?—I have not, but it would be very small.

You think the benefit would be very trifling?—I think so.

*Mr. Edward Mansell.*] As you are on the case of the Honourable Mr. Temple, I wish to be allowed to say a word; I made an objection when you met here on the last occasion.

*Mr. Penney.*] Mr. Mansell's name is in page 44 of the Schedule, amongst the occupiers.

*Mr. Mansell.*] I hold the land by fee farm grant.

*Colonel M'Kerlie.*] Then you should be set down as a proprietor.

*Mr. Mansell.*] I objected to the valuation on the last day. I now wish to state that when I was making my statement on that occasion, I was under the impression that the water would be permanently lowered to such a degree that we would have no more summer flooding. If that is not the case, and if we are to be still subject to summer floods, there would be no benefit whatever conferred on us.

*Mr. Le Fanu.*] The lands will be relieved from summer floods.

*Mr. Mansell.*] I have also to state that if there is a winter flood we will not be benefitted.

*Colonel M'Kerlie.*] Are we to understand you do not want winter floods?

*Mr. Mansell.*] I do not; my land is not in the same position at all with the lands lower down the river. If the flood is not permanently taken away, winter and summer, I would derive no benefit.

*Colonel M'Kerlie.*] The works proposed by Mr. Bateman are intended to relieve the lands from ordinary winter and extraordinary summer floods. If the floods are taken away to that extent, would you be satisfied?—I would.

Would you be satisfied in that case to pay the charge?—No, I objected to that at the former meeting; I thought it relatively too high.

Relative to what?—Relative to other lands; for instance, relative to the island close to it for which I am charged.

You mean the island opposite Ballinlough?—Yes; the island is lower land; it contains 1 acre 1 rood 23 perches, and is assessed at 6 s. 6 d. a year. I don't object to that.

*Mr. Le Fanu.*] How much would you put down the benefit to Killinure at?—Well, I would be satisfied to pay 2 s. 6 d. an acre; I think that would be the utmost; I am very seldom flooded.

*Mr. Fair.*] There was a case of Mr. Naughton, page 30 of the Schedule, which was postponed; there are two persons in attendance named Ward, both of whom are tenants on the land, and can give evidence as to it, if you would be so good as to let me examine them.

*Colonel M'Kerlie.*] Yes.

#### JOHN WARD; Examined by Mr. Fair.

YOU live on the lands of Creggansheaka?—I do, sir.

Are you a tenant of Mr. Naughton?—I am.

Have you known the lands long?—I have, sir, those 40 years.

Do you think they will be benefitted by the removal of the floods?—I think not.

What kind of lands are they; are they grass land?—Grass land.

Will they derive benefit by the removal of the floods?—I think not.

The assessment is 9 s. an acre, and you say they will not be improved?—I don't think they will; I think the works would do them an injury; they will dry up and crack in pieces in hot weather, and you would have no meadow.

#### WILLIAM WARD; Examined by Mr. Fair.

Are you a tenant of those lands?—I am.

Do you think the removal of the winter floods would do the land any benefit?—I think not.

No benefit whatever?—I think not.

Would the land give as good meadow if the floods were removed?—No, I don't think we could have as good crops on the meadow.

Then you don't believe you would derive any benefit from the proposed works?—I think not.

This concluded the case.

Colonel

Colonel M'Kerlie.] There are a few matters which require to be investigated, with a view to ascertain whether corrections should be made or not in the valuation schedule, and having done that, and re-applied, if necessary, the charge on the land, our next step will be to invite the proprietors to give their assent, but it *must* necessarily be upon the basis of the charge which the Act of Parliament requires, namely, £50,000 £, being one-half of the estimated cost of the works. Six months will be given for the proprietors to make up their minds whether they will assent or not, and to send in their written assents, should they think fit to do so. On the other hand, it will not be necessary that any proprietor who objects to the work should send in any written notice of dissent, as any person who has not sent in a formal assent, will be assumed to be a dissenting party. When the period of six months has expired, it will then be seen how the case stands, and whether the required number of proprietors have given their assent to the measure. The inquiry has now terminated for the present.

Mr. Fair.] I cannot allow you, gentlemen, to leave the court-house without tendering to you, on behalf of the legal profession, our best thanks for the courteous and considerate manner in which you have treated us throughout this inquiry. I am sure you have done everything in your power to carry out the Act of Parliament. It is a pity that the Act was not shaped in some way that would be more acceptable to the proprietors, because they really would be anxious that the project should be carried out, if it were not carried out in too expensive a way. My clients, however, felt that the assessment was so exorbitant that they could not for a moment sanction it, and that in fact it would, in some instances, amount to the fee simple value of the land. I don't know whether the suggestion of Mr. Lyman could be carried into effect; I fear it could not without an Act of Parliament. I trust, however, that it can be done, and that the project will not fail to the ground, as it would be a useful measure, if not carried out in too expensive way. Mr. Lyman appears to think that about half the money, if judiciously expended, would carry out the improvement. If so, I think my clients would be anxious to co-operate in every way. I beg to thank you both, gentlemen, for the patience and courtesy with which you have treated us.

Mr. Lyman.] Gentlemen, I have been requested by some influential proprietors in the neighbourhood of Portumna to beg of you if you would be pleased to represent the three following small propositions to Her Majesty's Government: First, "That in any legislation that may be accomplished during the present Session, the division from Killaloe to Castleconnell should be left out of the scope of the operation of the Shannon Acts." Secondly, "That three regulating weirs should be constructed as soon as practicable, one at Killaloe, one at Meelick, and one at Athlone, in lieu of the present weir mounds." Third, "That two of the new and powerful steam dredges, such as those constructed by Messrs. Simons, of Renfrew, on the Clyde, should be purchased and brought down by the canal, and set to work to widen and deepen the straits and shallows, &c. That in the course of one year, by the operation of those steamers, together with the regulating weirs, nearly all that is wanted, or necessary for those lands, could be accomplished. That at the end of the year one of the dredges may be sold to the trustees of the Suck drainage, and that the other may be continued operating on the Shannon for three, four, or five years, and by these means all that is necessary for the drainage and improvement of the lands, and the improvement of the navigation, would be accomplished at an exceedingly small cost." We beg that you will be pleased to make this small representation to Her Majesty's Government.

Colonel M'Kerlie.] We can make no representation on the subject of the Shannon improvement till the period has elapsed for the sending in of assents, which will not be until after six months from the time we have issued the revised schedule, and which we can scarcely expect to have completed in less than a month.

Athlone  
Adjourned Inquiry.

The proceedings then terminated.

## APPENDIX OF LETTERS.

Dear Sir.

The present Shannon meetings, I understand, are held only to arrange, in case of any future expenditure, what proportion should be levied off the lands supposed to be interested in being "relieved from inundation," estimated in present schedule at      acres.

I have not sufficient information to judge how far the relative proportions are equitable, and I presume that they are so, or as nearly as can be expected, and I make no objection to what is estimated as my proportion.

I hoped that by this time the Shannon riparian proprietors would have been informed—

1st. What results are anticipated from the works which are proposed (something more definite than the lands being "relieved from inundation")?

2nd. What are the works which are contemplated by the Board of Works to effect this result?

3rd. At what cost these works are expected to be accomplished.

4th. What is the estimated improvement of the several lands, per schedule?

When the proprietors are informed of these details they will be in a position to judge of the merits of the scheme.

I understood that this information, or the greater part of it, is before your Board, but not having received the information which I asked in my letter to the secretary, of 22nd November 1874, I beg now to ask for it.

It has been stated, on high authority, that the terms offered under the Act of Inst Sessions are very favourable to the riparian proprietors, and it may therefore be the more agreeable to all parties that the fullest information should be given. But it occurs to me that until the riparian proprietors have this information, it would be unwise on their part to move in ignorance, and to place their money and interests in the hands of the Board of Works.

W. R. Le Faau, Esq., Commissioner, &c.,  
Public Board of Works, Dublin.

Yours, &c.  
(signed)      Henry French.

## Shannon Act, 1874.

Office of Public Works, Dublin,  
18 March 1875.

Sir,

I am directed by the Commissioners of Public Works to acknowledge the receipt of your communication of the 5th instant, and to state that full information on the points mentioned by you was given at the inquiries lately held; that the result anticipated from the proposed works is, the relief of the lands from ordinary winter and autumn floods; that the works proposed to be executed are those designed by Mr. Bateman, with such modifications as the Treasury may approve; that the estimated cost of the works is 200,000 £; and that it is for the proprietors to judge whether the relief intended to be provided, as above mentioned, will repay them for the charge placed after their names in the last column of the Schedule, to which charge the lands will be liable in the event of the works being carried out.

By order.  
Henry French, Esq.,  
Cangort Park, Roscrea.  
(signed)      E. Hornsby, Secretary.

Gentlemen,

RESPECTING the objections which I made on behalf of the Earl of Rosse, Lord Bloomfield, and Mr. Francis V. Bennett, to the amount proposed to be charged to those proprietors for the improvement of their property by the Shannon Drainage, the bearing of which you were good enough to adjourn to the 19th instant at Athlone, I beg to say the grounds of my objections are simply that the lands will not be improved to the extent of the annual rentcharge proposed to be charged; and that the scheme cannot be remunerative unless a much smaller sum than 150,000 £ be charged against the proprietors.

I presume this written objection will be considered sufficient, and that I need not trouble you with a personal interview.

The Commissioners, Public Works,  
Athlone.

Yours, &c.  
(signed)      Toler R. Gorsey.